

The Gazette



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 13th June 1953 :—

Issue No.	No. and date	Issued by	Subject
145	S. R. O. 1069, dated the 6th June 1953.	Ministry of Law	Amendments made in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.
146	S. R. O. 1070, dated the 8th June 1953.	Election Commission, India.	Election Petition No. 145 of 1952.
147	S. R. O. 1071, dated the 26th May 1953.	Ditto.	Election Petition No. 127 of 1952.
148	S. R. O. 1072, dated the 28th May 1953.	Ditto.	Election Petition No. 111 of 1952.
149	S. R. O. 1073, dated the 10th June 1953.	Ministry of Home Affairs.	Grant of a Sumptuary Allowance to the Minister for Defence Organisation.
149A	S. R. O. 1073A, dated the 10th June 1953.	Ministry of Commerce and Industry.	Amendment made in the Coffee Market Expansion Rules, 1940.
150	S. R. O. 1074, dated the 29th May 1953.	Election Commission, India.	Election Petition No. 157 of 1952.

Issue No.	No. and date	Issued by	Subject
150A	S. R. O. 1074A, dated the 11th June 1953.	Election Commission, India.	Appointment of Shri Basu Prasad as a Chairman of the Tribunal.
151	S. R. O. 1122, dated the 30th May 1953.	Ditto.	Election Petition No. 314 of 1952.
152	S. R. O. 1123, dated the 11th June 1953.	Ditto.	Election Petition No. 80 of 1952.
153	S. R. O. 1124, dated the 12th June 1953.	Ministry of Communications	Consistence of certain members in the Air-India International.
	S. R. O. 1125, dated the 12th June 1953.	Ditto.	Establishment of 'Indian Air Lines' and 'Air-India International' on the 15th June 1953.
	S. R. O. 1126, dated the 12th June 1953.	Ditto.	Consistence of certain members in the Indian Air Lines.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 12th June 1953

S.R.O. 1139.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BR-P/52(31), dated the 19th May, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Raghunandan Pd., Communist Party Office, P.O. Bettiah, District Champaran.

[No. BR-P/52(75)/9369.]

P. N. SHINGHAL, Secy.

MINISTRY OF LAW

New Delhi, the 12th June 1953

S.R.O. 1140.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry

of Law No. S.R.O. 215, dated the 9th February 1952, relating to the execution of contracts and assurances of property, namely:—

In part III of the said notification, under Head F:—

(1) In item 2, for the existing entry (d) the following entry shall be substituted, namely:—

“(d) Leases of houses, buildings, rooms, stalls, counterspace, washing stones, cycle sheds or of plots of land for purposes of fuelling facilities or construction of buildings, on civil aerodromes and landing grounds by private parties; licences for cultivation or grass cutting rights on civil aerodromes; licences for fishing rights and instruments relating to the sale of sand, usufructs, trees or other produce on civil aviation lands;”

(2) In item 2 for the words “by the Director General, all Deputy Directors General, all Directors, Principal, Civil Aviation Training Centre, Allahabad, all Deputy Directors, all Controllers of Aerodromes, all Senior Aerodrome Officers or Aerodrome Officers in the Civil Aviation Department”, the following shall be substituted, namely:—

“by the Director General, any Deputy Director General, any Director, any Deputy Director, any Assistant Director, Estates, any Controller of aerodromes, any Senior Aerodrome Officer, any Aerodrome Officer or Assistant Aerodrome Officer in the Civil Aviation Department”.

(3) After item 6, the following item shall be added, namely:—

“7. All agreements and instruments relating to the catering establishments and stalls;

by the Director General, any Deputy Director General, any Director, any Deputy Director, any Assistant Director, Estates or any Controller of aerodromes”.

[No. F.32-III/52-L.]

New Delhi, the 15th June 1953

S.R.O. 1141.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution and in supersession of the Notification of the Government of India in the Ministry of Law No. S.R.O. 512, dated the 13th March, 1953, the President hereby directs that all agreements relating to the payment of compensation for property requisitioned or acquired by or on behalf of the Central Government under the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952), shall be executed on his behalf as indicated in the Schedule hereto annexed.

SCHEDULE

1. In the States of Bihar, Madras, Travancore-Cochin, Hyderabad, Rajasthan and Saurashtra, by a Collector in respect of property situated within his jurisdiction.

2. In the States of Punjab and Orissa, by a district magistrate in respect of property situated within his jurisdiction.

3. In the States of Assam and Patiala and East Punjab States' Union, by a Deputy Commissioner in respect of property situated within his jurisdiction.

4. In the State of West Bengal—

(a) by the Collector in the district of 24 Parganas in respect of property situated in that district;

(b) by the First Land Acquisition Collector, Calcutta, in respect of property situated in Calcutta; and

(c) elsewhere by a Collector in respect of property situated within his jurisdiction.

5. In the State of Bombay—

(a) by the Special Land Acquisition Officer, Nasik, in respect of property situated in Nasik;

(b) elsewhere by a Collector in respect of property situated within his jurisdiction.

6. In the States of Delhi, Manipur and Tripura by the Chief Commissioner in respect of property situated within his jurisdiction.

[No. F.27-III/53-L.]

B. N. LOKUR, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 10th June 1953

S.R.O. 1142.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Home Department No. F.9-19/30-Ests., dated the 27th February, 1932, namely:—

In the Schedule to the said Rules under the heading “Finance Department”.—

Under the sub-heading “Central Excise (including Land Customs) Department” for the entries against ‘All Class IV Posts’, the following entry shall be substituted, namely:—

“Assistant Collector in Charge of Division in respect of establishment under his control; or Assistant Collector (Headquarters Office) or Chief Accounts Officer where there is no Assistant Collector (Headquarters Office) in respect of establishment in the Collector’s Office.	Superintendent	(i) Assistant and Collector. (v).
	Assistant Collector in charge of Division or Assistant Collector (Headquarters Office) or Chief Accounts Officer where there is no Assistant Collector (Headquarters Office).	All Collector.

[No. 7/16/53-Ests.]

S. P. MAHNA, Asstt. Secy.

MINISTRY OF STATES

ORDERS

New Delhi, the 10th June 1953

S.R.O. 1143.—In pursuance of the provisions of sub-clause (a) of Clause (3) of section 28 of the Government of Part C States Act, 1951 (XLIX of 1951), the President is pleased to determine that for the financial year 1953-54 the expenditure relating to the office of the Chief Commissioner, Bhopal other than his emoluments and allowances shall be a sum not exceeding Rs. 40,000.

[No. 95-PA.]

S.R.O. 1144.—In pursuance of the provisions of sub-clause (a) of Clause (3) of section 28 of the Government of Part C States Act, 1951 (XLIX of 1951), the President is pleased to determine that for the financial year 1953-54 the expenditure relating to the Office of the Lieutenant Governor, Himachal Pradesh other than his emoluments and allowances shall be a sum not exceeding Rs. 52,000.

[No. 96-PA.]

S.R.O. 1145.—In pursuance of the provisions of sub-clause (a) of Clause (3) of section 28 of the Government of Part C States Act, 1951 (XLIX of 1951), the President is pleased to determine that for the financial year 1953-54 the expenditure relating to the Office of the Lieutenant Governor, Vindhya Pradesh other than his emoluments and allowances shall be a sum not exceeding Rs. 1,10,000.

[No. 97-PA.]

New Delhi, the 12th June 1953

S.R.O. 1146. In pursuance of the provisions of paragraph 5 of the Tripura (Council of Advisers) Order, 1953, the President is pleased to make the following Order, namely:—

1. *Short title and commencement.*—(1) This Order may be called the Advisers (Tripura) (Salaries and Allowances) Order, 1953.

(2) It shall be deemed to have come into force on the 14th April, 1953.

2. *Definition.*—In this Order, “Adviser” means the person appointed as Adviser for the State of Tripura.

3. *Salary and allowances of the Advisers.*—There shall be paid to each Adviser in respect of the time spent on actual service, salary at the rate of Rs. 500 p.m. and a sumptuary allowance at the rate of Rs. 150 p.m.

4. *Residence of Advisers.*—Each Adviser shall throughout the term of his office be entitled without payment of rent or hire to the use of a furnished house or a house-rent allowance of Rs. 75 per mensem in lieu thereof.

5. *Conveyance for Advisers.*—(1) Each Adviser shall be entitled to the free use of a Car or a Jeep.

(2) There shall be paid to each Adviser a Conveyance allowance at the rate of Rs. 150 p.m. for the maintenance of the Car or the Jeep.

Explanation.—The expression “maintenance” includes the cost of a driver, expenditure on petrol, repairs and other incidental charges.

6. *Travelling allowance.*—Subject to the foregoing provisions, the conditions of service of an Adviser shall, in respect of travelling and daily allowances, and facilities for travel on duty, be determined by the rules for the time being applicable to a Central Government Servant of the First Grade:

Provided that each Adviser shall be entitled to draw daily allowance at the maximum rates applicable to such a Government Servant.

Provided further that an Adviser shall not be entitled to any travelling or daily allowance in respect of a journey performed by road within 10 miles radius of Agartala.

[No. 99-PA.]

V. VISWANATHAN, Joint Secy.

MINISTRY OF FINANCE

(Department of Revenue and Expenditure)

New Delhi, the 13th June 1953

S.R.O. 1147.—In exercise of the powers conferred by the proviso to Article 309 read with articles 313 and 372 of the Constitution and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the Civil Pensions (Commutation) Rules, namely:—

In the Appendix to the said Rules, under the heading “Central Services”, the following entry shall be inserted at the end, namely:—

“Central Secretariat Service, Grade I”

[No. F.2(7)-EV/53.]

C. B. GULATI, Under Secy.

(Department of Economic Affairs)

INSURANCE

New Delhi, the 16th June 1953

S.R.O. 1148.—In pursuance of the provisions of sub-section (2) of section 64-G of the Insurance Act, 1938, (IV of 1938), the Central Government hereby nominates Mr. J. S. R. Spelman C/O The Norwich Union Life Insurance Society, Bombay, to fill the casual vacancy in the Executive Committee of Life Insurance Council of the Insurance Association of India, caused by the resignation of Mr. A. J. Males.

[No. 105-IF(19)/52.]

S. G. BARVE, Joint Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)**CENTRAL EXCISE***New Delhi, the 9th June 1953*

S.R.O. 1149.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby directs that the following further amendments shall be made in the Central Excise Rules, 1944, as amended from time to time, namely:—

In the said Rules,—

(I) in rule 2,—

(1) for clause (ii), the following clause shall be substituted, namely:—

“(ii) “Collector” means—

(A) in relation to excisable goods other than salt—

- (a) in the districts of Mehsana, Baroda, Dangs, Surat, Broach, Panchmahals, Kaira, Ahmedabad, Sabarkantha, Banaskantha and Amreli of the State of Bombay, and the States of Saurashtra and Kutch, the Collector of Central Excise, Baroda;
- (b) in the districts of the State of Bombay, other than those specified in sub-clause (a), the Collector of Central Excise, Bombay;
- (c) in the districts of the State of Madras other than those specified in sub-clause (h), and in the States of Coorg, Travancore-Cochin and Mysore, the Collector of Central Excise, Madras;
- (d) in the States of West Bengal and Orissa, the Collector of Central Excise, Calcutta;
- (e) in the States of Uttar Pradesh and Vindhya Pradesh, the Collector of Central Excise, Allahabad;
- (f) in the States of Assam, Tripura and Manipur, the Collector of Central Excise, Shillong;
- (g) in the States of Punjab, Delhi, Ajmer, Bilaspur, Himachal Pradesh, Patiala and East Punjab States Union and Rajasthan, excluding the Tehsils of Sironj and Latheri, the Collector of Central Excise, Delhi;
- (h) in the districts of Srikakulam, Visakhapatnam, Krishna, West Godavari, East Godavari, Guntur, Bellary, Cuddapah, Anantapur and Kurnool of the State of Madras, and in the State of Hyderabad, the Collector of Central Excise, Hyderabad;
- (i) in the State of Bihar, the Collector of Central Excise, Patna;
- (j) in the States of Madhya Pradesh, Madhya Bharat, Bhopal, and the Tehsils of Sironj and Latheri in the State of Rajasthan, the Collector of Central Excise, Nagpur;

(B) in relation to salt, the Salt Commissioner; and includes any officer specially authorised under rule 4 or 5 to exercise throughout any State or any specified area therein all or any of the powers of a Collector under these rules;”;

(2) in clause (iii), for the words “by a notification of the Central Board of Revenue”, the words “by the Central Government by a notification published in the Official Gazette” shall be substituted; (ii) rules 107 and 108 shall be omitted.

[No. 15.]

New Delhi, the 10th June 1953

S.R.O. 1150.—The Central Government hereby rescinds the notification of the Government of India in the late Finance Department (Central Revenues) No. 1-Camp.—Central Excises, dated the 2nd December 1944.

[No. 16.]

A. K. MUKARJI, Dy. Secy.

INCOME-TAX

New Delhi, the 13th June 1953

S.R.O. 1151.—In exercise of the powers conferred by section 60-A of the Indian Income Tax Act, 1922 (XI of 1922), the Central Government hereby makes the following exemption:—

No income tax shall be payable by an assessee on the interest receivable on the following income tax free loans issued by the former Government of Travancore or by the former Government of Cochin, provided that such interest is received in respect of a loan issued by the former Government of Travancore in the Travancore portion of the State of Travancore-Cochin and in respect of a loan issued by the former Government of Cochin, in the Cochin portion of that State and is not brought into any other part of the taxable territories. Such interest shall, however, be included in the total income of the assessee for the purposes of section 16 of the Indian Income Tax Act, 1922:—

3 per cent. tax free loan 1952—54 issued by the former Government of Travancore.

3½ per cent. tax free loan 1956 issued by the former Government of Travancore.

3 per cent. tax free loan 1953—55 issued by the former Government of Cochin.

3 per cent. tax free loan 1955—58 issued by the former Government of Cochin.

3½ per cent. tax free loan 1956—61 issued by the former Government of Cochin.

[No. 44.]

New Delhi, the 16th June 1953

S.R.O. 1152.—In pursuance of the provisions of section 46-A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Finance (Revenue Division) No. 33-Income-tax, dated the 25th May 1953—

In the Schedule to the said notification after item 7 the following item shall be added at the end, namely:—

“8. Commissioner of Income-tax, Bihar and Orissa, Patna.”

[No. 45.]

K. L. MITTAL, Dy. Secy.

CUSTOMS

New Delhi, the 20th June 1953

S.R.O. 1153.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby appoints the undermentioned officers of the Collectorate of Central Excise, Nagpur, to be officers of Customs within their respective jurisdictions and to exercise the powers conferred and to perform the duties imposed on such officers by the said Act:

1. The Collector of Central Excise.
2. All Assistant Collectors of Central Excise.
3. All Superintendents of Central Excise.
4. All Deputy Superintendents of Central Excise.
5. All Preventive Intelligence Inspectors of Central Excise.

[No. 47.]

E. RAJARAM RAO, Joint Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 12th June 1953

S.R.O. 1154.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the schedule to its notification No. 32-Income-tax, dated the 9th November, 1946, namely:—

In the said schedule under sub-head 'VII-Madhya Pradesh and Bhopal' for the existing Ranges and Income-tax Circles, the following Ranges and Income-tax Circles shall be substituted, namely:—

NAGPUR RANGE

1. Income-tax Circle, Nagpur.
2. Special Circle, Nagpur.
3. Salary Circle, Nagpur.
4. Chhindwara.
5. Akola.
6. Yeotmal.
7. Anraoti.
8. Wardha.
9. Khamgaon.
10. Rajnandgaon.
11. Raipur.
12. Raigarh.
13. Special Survey Circle, Nagpur (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 12 above).

JABALPUR RANGE

1. Jabalpur.
 2. Sagar.
 3. Khandwa.
 4. Bhopal.
 5. Special Survey Circle, Nagpur (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 4 above).
2. Where an Income-tax Circle or ward stands transferred by this order from one Appellate Assistant Commissioner of Income-tax to another, appeals arising out of assessments made in that Income-tax circle or ward and pending immediately before the date of this order before the Appellate Assistant Commissioner of the circle or ward from whose jurisdiction that Income-tax circle or ward is transferred shall on and from the date of this order be transferred to and dealt with by the Appellate Assistant Commissioner of the Circle or ward to whom the said circle or ward is transferred.

[No. 43.]

New Delhi, the 16th June 1953

S.R.O. 1155.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby directs that the following further amendments shall be made in its Notification No. 32-Income-tax, dated 9th November 1946, namely:—

In the schedule to the said notification under the sub-heading "I-Madras"—

- (a) under "Madras B Range" for the entry "6 Special Survey Circle No. II, Madras", the entry "6 Special Survey Circle No. 1, Madras" shall be substituted;
- (b) under "Madhurai Range" for the entry "7. Special Survey Circle No. III, Madhurai", the entry "7. Special Survey Circle No. 2, Madhurai" shall be substituted;

- (c) under "Colombatore Range" for the entry "7. Special Survey Circle No. IV, Colombatore," the entry "7. Special Survey Circle No. 3, Colombatore" shall be substituted.

[No. 46.]

K. B. DEB, Under Secy.

CUSTOMS

New Delhi, the 15th June 1953

S.R.O. 1156.—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (XIX of 1924), read with the notification of the Government of India in the late Finance Department (Central Revenues) No. 5944, dated the 13th December, 1924, the Central Board of Revenue hereby directs that the following amendment shall be made in its notification No. 57-Customs, dated the 29th September, 1952, namely:—

For clause (a), the following clause shall be substituted, namely:—

"District Prohibition Officer, Deputy Prohibition Officers, Assistant Prohibition Officers and Prohibition Sub-Inspectors employed in the district of South Arcot."

[No. 45.]

New Delhi, the 20th June 1953

S.R.O. 1157.—In exercise of the powers conferred by section 9 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue hereby makes the following rules, namely:—

RULES

1. The Officers of the Collectorate of Central Excise, Nagpur, who have been appointed Officers of Customs by the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 47, dated the 20th June 1953, are required to prevent smuggling and enforce prohibitions or restrictions imposed or deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and are authorised to exercise within their respective jurisdictions all the powers conferred by Chapter XVII of the said Act on Officers of Customs duly employed for the prevention of smuggling.

2. The following officers of the Collectorate of Central Excise, Nagpur, who have been appointed Officers of Customs by the aforesaid notification shall perform the duties of a Customs-Collector within their respective jurisdictions, namely:—

1. The Collector of Central Excise.
2. All Assistant Collectors of Central Excise.

[No. 46.]

A. K. MUKARJI, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 13th June 1953

S.R.O. 1158—In pursuance of rule 6(1) of the Central Silk Board Rules, 1949, the Central Government is pleased to direct that in the Notification of the Ministry of Commerce and Industry No. S.R.O. 683, dated the 9th April, 1952, item 13 shall be amended to read as under:—

13. Shri K. L. Barua, I.A.S., Secretary and Director of Sericulture and Weaving, Government of Assam.

[No. 23(31)-CTB/52.]

S. A. TECKCHANDANI, Under Secy.

New Delhi, the 15th June 1953

S.R.O. 1159.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

To the Schedule annexed to the said Notification, the following entry shall be added, namely:—

“Deputy Commissioners of Vindhya Pradesh.”

[No. SC(A)-4(87)/53.]

D. HEJMADI, Under Secy.

RUBBER CONTROL

New Delhi, the 16th June 1953

S.R.O. 1160.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), and in partial modification of the Notification of the Government of India in the late Ministry of Industry and Supply No. 27(3)-I(VI)/50, dated the 14th August, 1950, the Central Government, on the recommendation of the Government of Travancore-Cochin, hereby nominate Sri C. Thomas, Director of Agriculture, Travancore-Cochin, as a member of the Indian Rubber Board, vice Sri M. Sankara Menon, resigned.

[No. 27(5)-Plant/50.]

S. G. RAMACHANDRAN, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 11th June, 1953

S.R.O. 1161.—In pursuance of the provisions of Clause (o) of Section 4 of the Indian Central Oilseeds Committee Act, 1946, the Central Government is pleased to appoint Shri E. P. Anastasiades to be a member of the Indian Central Oilseeds Committee vice Shri Z. Gavalla resigned.

[No. F.5-2/53-Comm.Part.II.]

F. C. GERA, Asstt. Secy.

New Delhi, the 15th June 1953

S.R.O. 1162.—In pursuance of the provisions of sub-clause (3) of clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952 and in partial modification of the Notification of the Government of India in the Ministry of Food and Agriculture No. S.R.O. 1949, dated the 25th November, 1952, the Central Government hereby directs that the said Order shall apply to the State of Patiala and East Punjab States Union in respect of maize, bajra, jowar, barley and their products only.

[No. PYII-652(23)/53.]

ORDERS

New Delhi, the 16th June 1953

S.R.O. 1163.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government

hereby directs that the following further amendment shall be made in the Gram and Gram Products (Export Control) Order, 1953, namely:—

In the said Order, after clause 6, the following clause shall be inserted, namely:—

"7. *Forfeiture of certain property used in commission of offence.*—If any person contravenes the provisions of this Order, then without prejudice to any other punishment to which he may be liable, the Court trying the offence may direct that the packages, coverings or receptacles in which any gram or gram product liable to be forfeited under section 7 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) is found and the animals, vehicles, vessels or other conveyances used in carrying such gram or gram product shall be forfeited to Government.

Provided that no Court shall declare any such package, covering or receptacle or any such animal, vehicle, vessel or other conveyance used in carrying such gram or gram product, forfeited to Government unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed."

[No. PYII-658(1)/53.]

S.R.O. 1164.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Rajasthan and Ajmer Gram and Gram Products (Export Control) Order, 1953, namely:—

In the said Order, after clause 6, the following clause shall be inserted, namely:—

"7. *Forfeiture of certain property used in commission of offence.*—If any person contravenes the provisions of this Order, then without prejudice to any other punishment to which he may be liable, the Court trying the offence may direct that the packages, coverings or receptacles in which any gram or gram product liable to be forfeited under section 7 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) is found and the animals, vehicles, vessels or other conveyances used in carrying such gram or gram product shall be forfeited to Government.

Provided that no Court shall declare any such package, covering or receptacle or any such animal, vehicle, vessel or other conveyance used in carrying such gram or gram product, forfeited to Government unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed."

[No. PYII-CG-603(48)/53.]

R. S. KRISHNASWAMY, Dir. Genl. Food & Joint Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th June 1953

S.R.O. 1165.—*Corrigendum*—In the Ministry of Information and Broadcasting Notification No. S.R.O. 988, dated the 26th May, 1953 published in the *Gazette of India*, Part II, Section 3, dated the 30th May, 1953 for the word 'Mesfilm' read 'Mosfilm'.

[No. 11/5/53-FII.]

D KRISHNA AYYAR, Asstt. Secy.

New Delhi, the 15th June 1953

S.R.O. 1166.—In exercise of the powers conferred by sub-rule (2) of rule 3 of the Cinematograph (Censorship) Rules, 1951 read with section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), the Central Government hereby appoints Shrimati Violet Alva as a member of the Central Board of Film Censors with immediate effect *vice* Shrimati Durgabai Deshmukh resigned.

[No. 8/17/53-FIL.]

A. N. BERY, Dy. Secy.

MINISTRY OF HEALTH

New Delhi, the 12th June 1953

In the matter of the Charitable Endowments Act, 1890, and in the matter of the Lady Hardinge Medical College for women and Hospital for women and children, Delhi, Fund.

S.R.O. 1167.—On the application and with the concurrence of the Association for the control and management of the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi, the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the Charitable Endowments Act, 1890 (VI of 1890), doth hereby settle a Scheme set out hereunder for the administration of the Fund above mentioned and under sub-section (3) of the said section of the said Act, it is hereby ordered that the said Scheme shall come into operation from the date of this notification.

Scheme

1. *Definitions.*—Unless excluded by or repugnant to the context:—

- (a) “the Fund” shall mean the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi, Fund;
- (b) “the Treasurer” shall mean the Treasurer of Charitable Endowments for India;
- (c) “the Board” shall mean the Board of Administration constituted under this Scheme.

2. There shall be a fund to be called “The Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi, Fund”.

3. The objects of the Fund shall be:—

- (a) to take over from the persons acting in the administration of the Trust managed by “the Association for the control and management of the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi”, the entire assets of the Trust created for the provision of higher medical education and treatment for women and children including the assets granted and placed at the disposal of the Trust by the Central Government and other private bodies and individuals and to give discharge to the said persons administering the said Trust in respect of such assets;
- (b) to credit the said assets to the account of the Fund for the accomplishment and furtherance of the objects of the Fund or any of them;
- (c) to manage and administer the said assets in accordance with this Scheme and subject to the control and directions of the Central Government for the following purposes:—
 - I. The provision of higher medical education and treatment for women and children in the Lady Hardinge Medical College and Hospital for Women, of which the teaching, medical and administrative staff shall ultimately consist of women.
 - II. The widening of the field of recruitment for medical women in India.
 - III. The provision of training for women as nurses and midwives.
 - IV. The purchase or acquisition on lease or in exchange or on hire or otherwise of any real or personal property and any rights or privileges necessary or convenient for the purposes of the Fund.
 - V. The erection, construction, alteration, and maintenance of any buildings necessary or convenient for the purposes of the Fund.

VI. The sale, lease, mortgage, exchange, improvement, management and development of all or any part of the property of the Fund.

VII. The management of the funds raised or to be subsequently raised in pursuance of the above objects, and the doing of all such things as are incidental, or conducive, to the attainment of the above objects or any of them.

(d) to receive from the Central Government, State Governments and other private bodies and individuals endowments, grants, donations or contributions to the Fund for the general purposes of the Fund;

(e) to do all things, subject to the control and directions of the Central Government, which are conducive or incidental to the attainment of the above objects or any of them or the carrying out of this scheme.

4. The objects of the Fund extend to the whole of India.

5. The assets of the Fund particulars whereof are set out in the Schedules hereto shall be vested in the Treasurer of Charitable Endowments for India under the Scheme.

The Treasurer of Charitable Endowments for India shall not act in the management or administration of the Fund but shall hold the said assets subject to the provisions of the Charitable Endowments Act, 1890 (No. VI of 1890) and the directions of the Board of Administration as hereinafter constituted. Notwithstanding such vesting, the Treasurer shall permit the Board to have the possession, management and control of all the assets of the Fund, except the monies and securities as if the same were vested in the Board. The Treasurer shall apply, invest or dispose of the assets of the Fund or the income thereof in accordance with the directions of the Board given from time to time.

6. Subject to the general or special directions of the Central Government, the Fund and its affairs shall be managed and administered for the purposes aforesaid by such Board of Administration as the Central Government may from time to time constitute and with such powers as the Central Government may from time to time confer.

7. (1) Where a person becomes a member of the Board by reason of the office he holds, his membership shall terminate when he ceases to hold that office and his successor in office shall, unless otherwise directed by the Central Government, be deemed to have been nominated in his vacancy. The tenure of membership of any non-official members will be prescribed by the Central Government.

(2) Subject to (1) above, a member of the Board shall cease to be a member if he shall die, resign, become of unsound mind, become insolvent or be convicted of a criminal offence involving moral turpitude or if he is removed by the Central Government from the membership of the Board.

(3) A resignation of the membership of the Board shall be tendered to the Chairman of the Board and shall not take effect until it has been accepted by him, on behalf of the Board.

(4) Subject to (1) above, any vacancy in the Board shall be filled up by nomination by the Central Government, a retiring member being eligible for re-nomination.

8. The Board shall function notwithstanding any vacancy in its body and notwithstanding any defect in the nomination of any of its members and no act or proceeding of the Board shall be invalidated merely by reason of the existence of a vacancy or vacancies in the body or of any defect in the nomination of any of its members.

9. Without derogation from any of the powers hereinbefore conferred, the Central Government shall have power to make rules and bye-laws for the regulation, management and for any purposes connected with the execution of the Fund and the Trust thereof.

10. The Board shall cause regular accounts to be kept and duly audited of all monies and properties belonging to the Fund.

11. This Scheme shall come into operation on the day on which the requisite vesting order under section 4(1) of the Charitable Endowments Act, 1890, is notified in the official Gazette.

In the matter of the Charitable Endowments Act, 1890, and in the matter of the Lady Hardinge Medical College for women and Hospital for women and Children, Delhi, Fund.

S.R.O. 1168.—Whereas application has been made to the Central Government for vesting the funds and property specified in Schedules I and II hereto appended in the Treasurer of Charitable Endowments for India, to be applied in accordance with the Scheme of administration of the trusts published with the Government of India, Ministry of Health Notification No. F.3(I)/53-MI, dated the 12th June, 1953.

It is hereby notified that the Central Government in exercise of the powers conferred by Section 4 of the Charitable Endowments Act, 1890 (VI of 1890), and upon the application as aforesaid and with the concurrence of the Association for the control and management of the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi, doth hereby order and direct that the funds and property set out in Schedules I and II hereto shall as from the publication of this notification vest and be henceforth vested in the Treasurer of Charitable Endowments for India, to be held by him and his successors (subject to the provisions of the said Act and rules from time to time framed thereunder) upon trust to hold the said funds and property and the income thereof in accordance with trusts and terms set out in the said Scheme.

SCHEDULE I

List of securities held in safe custody account of the Imperial Bank of India, New Delhi

Special Fund Accounts	Face Value			Market value as on 31-7-52 as per rates intimated by the Bank in letter No. CPS27/7786 A, dated 2-8-52			Source from which donation derived
	Rs.	As.	P.	Rs.	As.	P.	
<hr/>							
I. Lady Hardinge Medical College—							
Account Kailash Kishori Haksar							
Prize Fund—							
Government of India 4 per cent. Loan 1960/70.	1,100	0	0	1,135	0	0	Private donations from Philanthropists who sympathised with the aims and objects of the institution.
Government of India 3 per cent. Conversion Loan 1946.	100	0	0	80	1	0	
	1,200	0	0	1,213	1	0	
<hr/>							
Lady Hardinge Medical College—							
Account Lady Chelmsford Gold							
Medal Fund—							
Government of India 4 per cent. Loan 1960/70.	6,500	0	0	6,695	0	0	Do.
Government of India 3 per cent. Conversion Loan 1946.	1,300	0	0	1,040	13	0	
Government of India 3 per cent. 1st Development Loan 1970/75.	800	0	0	696	0	0	
	8,600	0	0	8,431	13	0	
<hr/>							
Lady Hardinge Medical College—							
Account Lady Hardinge Gold							
Medal Fund—							
Government of India 4 per cent. Loan 1960/70.	3,200	0	0	3,296	0	0	Do.
Government of India 3 per cent. Conversion Loan 1946.	100	0	0	80	1	1	
Government of India 3 per cent. 1st Development Loan 1970/75.	300	0	0	261	0	0	
	3,600	0	0	3,637	1	1	

Special Fund Accounts	Face Value	Market value as on 31-7-52 as per rates intimated by the Bank in letter No. CPS77/2786 A, dated 2-8-52	Source from which donation derived
	Rs. As. P.	Rs. As. P.	
<i>Lady Hardinge Medical College— Account Lady Hardinge Malabari Scholarship Fund—</i>			
Government of India 4 per cent. Loan 1960/70.	500 0 0	515 0 0	Private donations from Philanthropists who sympathised with the aims and objects of the institution.
Government of India 3 per cent. 1st Development Loan 1970/75.	100 0 0	87 0 0	
	600 0 0	602 0 0	
<i>Lady Hardinge Medical College— Account Lord Hardinge Bursary Fund—</i>			
Government of India 4 per cent. Loan 1960/70.	13,200 0 0	13,596 0 0	Do.
Government of India 3 per cent. Conversion Loan 1946.	900 0 0	720 9 0	
Government of India 3 per cent. 1st Development Loan 1970/75.	600 0 0	522 0 0	
	14,700 0 0	14,838 9 0	
<i>Lady Hardinge Medical College— Account Maharaja Nashipur Scholar- ship Fund—</i>			
Government of India 4 per cent. Loan 1960/70.	4,900 0 0	5,047 0 0	Do.
Government of India 3 per cent. Conversion Loan 1946.	400 0 0	320 4 0	
Government of India 3 per cent. 1st Development Loan 1970/75.	300 0 0	261 0 0	
	5,600 0 0	5,628 4 0	
<i>Lady Hardinge Medical College— Account—Lord Hardinge Thanks— Offering Fund—</i>			
Government of India 4 per cent. Loan 1960/70.	1,77,500 0 0	1,82,825 0 0	Do.
<i>Lady Hardinge Medical College— Account—Rai Bahadur Narain Singh Scholarship Fund—</i>			
Government of India 4 per cent. Loan 1960/70.	31,600 0 0	32,548 0 0	Do.
Government of India 4 1/2 per cent. Loan 1955/60.	10,100 0 0	10,453 8 0	
Government of India 3 per cent. Conversion Loan 1946.	600 0 0	480 6 0	
Government of India 3 per cent. 1st Development Loan 1970/75.	200 0 0	174 0 0	
	42,500 0 0	43,655 14 0	

Special Fund Accounts	Face Value	Market value as on 31-7-52 as per rates intimated by the Bank in letter No. CPS27/7796 A, dated 2-8-52		Source from which donation derived
	Rs. As. P.	Rs.	As. P.	
<hr/>				
<i>Lady Hardinge Medical College— R. D. B. Malabari Scholarship Fund—</i>				
Government of India 4 per cent. Loan 1960/70.	4,100 0 0	4,223	0 0	Private donations from Philanthropists who sympathised with the aims and objects of the institution.
Government of India 3 per cent. Conversion Loan 1946.	100 0 0	80	1 0	
	4,200 0 0	4,303	1 0	
<hr/>				
<i>Lady Hardinge Medical College— Account Annie Mackenzie Prize Fund—</i>				
Government of India 4 per cent. Loan 1960/70.	500 0 0	515	0 0	Do.
<i>Lady Hardinge Medical College— Account Lady Willingdon Silver Medal Fund—</i>				
Government of India 3 per cent. Conversion Loan.	300 0 0	240	3 0	Do.
<hr/>				
<i>Lady Hardinge Medical College and Hospital—Account Nurses Silver Medal Fund—</i>				
Government of India 4 1/2 per cent. Loan 1955/60.	400 0 0	414	0 0	Do.
<hr/>				
<i>Lady Hardinge Medical College and Hospital—Account Ada Priscilla Hill Prize Fund—</i>				
Government of India 3 per cent. Conversion Loan 1946.	2,400 0 0	1,921	8 0	Do.
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<i>Lady Hardinge Medical College— Account Principal Lazarus Kiran Prize Fund—</i>				
Government of India 3 per cent. Conversion Loan 1946.	700 0 0	560	7 0	Do.
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<i>Lady Hardinge Medical College and Hospital—Account Captain Sureshwar Bhattacharya Medal Fund—</i>				
Government of India 3 per cent. Conversion Loan 1946.	500 0 0	400	5 0	Do.
<hr/>				
<i>Lady Hardinge Medical College and Hospital—Account Lady Hardinge Post Graduate Scholarship Fund—</i>				
Government of India 3 per cent. Conversion Loan 1946.	25,400 0 0	20,335	14 0	Do.

I. Special Fund Accounts	Face Value		Market value as on 31-7-52 as per rates intimated by the Bank in letter No. CPS27/7786 A. dated 2-8-52		Source from which donation derived
	Rs.	As. P.	Rs.	As. P.	
<i>Lady Hardinge Medical College— Account Dr. Kamla Ghosh Prize Fund—</i>					
Government of India 3 per cent. Conversion Loan 1946.	4,000	0 0	3,202	8 0	Private donations from Philanthropists who sympathised with the aims and objects of the institution.
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<i>II. Lady Hardinge Medical College— Account Employees Provident Fund—</i>					
Government of India 4 per cent. Loan 1960/70.	25,900	0 0	26,677	0 0	Amount represents accumulation of subscriptions from members of the staff, Governing Body's contribution and interest accrued thereon.
Government of India 4 1/2 per cent. Loan 1955/60.	11,000	0 0	11,385	0 0	
Government of India 3 per cent. Conversion Loan 1946.	20,700	0 0	16,572	15 0	
Government of India 3 per cent. Loan 1963/65.	7,300	0 0	6,743	6 0	
Government of India 3 per cent. 1st Development Loan 1970/75.	23,000	0 0	20,010	0 0	
Government of India 3 per cent. Conversion Loan 1946.	9,000	0 0	7,205	10 0	
	96,900	0 0	88,593	15 0	
<i>III. Held against overdraft Account—</i>					
Government of India 4 per cent. Loan 1960/70.	2,50,500	0 0	2,58,015	0 0	These securities were purchased out of General Fund as a result of economy affected in the past in general expenditure of the institution.
Government of India 3 per cent. Conversion Loan 1946.	42,900	0 0	34,346	13 0	
	2,93,400	0 0	2,92,361	13 0	

SCHEDULE II

Land and buildings of the Lady Hardinge Medical College and Hospital, Delhi together with all fixtures, furniture, equipment, etc.

The area of the Lady Hardinge Medical College and Hospital, Delhi. 49.82 acres.

Location Punchkuin Road.
Boundaries { North—Punchkuin Road.
South—Lady Hardinge Road.
East—Connaught Circus.
West—Baird Road.
Survey No. { CE 2370.
LDO No. 94.

Terms Leased to the institution by the Land and Development Officer, Delhi, on a nominal rental of Re. 1 per annum.

Number of buildings including mosque, church, etc. 70 in all.

Approximate cost of buildings as assessed by the Land and Development Officer, Delhi. Rs. 22,27,500.

[No. F. 4-3 (2)/53-MI.]

M. R. KOTHANDARAMAN, Dy. Secy.

MINISTRY OF COMMUNICATIONS**(Posts & Telegraphs)***New Delhi, the 10th June 1953*

S.R.O. 1169.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

In item (mm) of rule 183 of the said Rules for the words "All Regional Commissioners," the words "The Central Provident Fund Commissioner and all Regional Provident Fund Commissioners" shall be substituted.

[No. C-28-3/53.]

V. M. BHIDE, Dy. Secy.

New Delhi, the 15th June 1953

S.R.O. 1170.—In exercise of the powers conferred by the proviso to Section 20 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby fixes the 10th day of July, 1953, as the date prior to which the notice referred to in the said proviso may be given.

[No. 9-CAG(15)/53.]

SADASHIVA PRASADA,
Officer on Special Duty.**MINISTRY OF TRANSPORT***New Delhi, the 12th June 1953*

S.R.O. 1171.—The following draft of certain amendments in the Calcutta Port Rules, published with the notification of the Government of India in the late War Transport Department No. 9-P (19)/42, dated the 3rd December, 1943, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), is published as required by sub-section (2) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th July, 1953.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

For rule 118 of the said Rules the following rule shall be substituted, namely:—

- "118. *Gas-free certificate for bulk oil vessels entering dock/dry docks.*—No bulk oil vessel shall be taken amongst the other shipping unless proceeding to an oil berth (or in the case of a vessel carrying fuel oil only, into dock) until her Master produces a certificate from the Inspector of Explosives or the Assistant Inspector of Explosives, East Circle, Calcutta, that he has examined the tanks with the aid of a vapour testing instrument and that the vessel has been found entirely clear of petroleum and vapour of petroleum and is in a fit state to enter dock. The Masters of all bulk oil vessels proceeding to dry dock shall produce such a certificate. No repair work to pipes, valves, pumps and other fittings of tanks and pump rooms of a petroleum tanker, shall be carried out in the dry dock or in the wet dock unless a certificate to the effect that such fittings are free from dangerous vapour has been obtained from the Inspector of Explosives or the Assistant Inspector of Explosives, East Circle, Calcutta;

Provided that a bulk oil vessel which has not carried petroleum of flash point below 150°F. since her last gas-free certificate was granted and which is entering a dry dock for the purpose of hull painting and examination only, will be admitted into dry dock on a certificate issued by the Master of the vessel stating that the tanks have been properly cleaned

out. If after entry into dry dock it should transpire that the vessel requires more extensive repairs, a gas-free certificate shall be produced before such repairs can be undertaken."

[No. 9-PI(76)/53.]

K. NARAYANAN, Under Secy.

New Delhi, the 13th June 1953

S.R.O. 1172.—In exercise of the powers conferred by section 52 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby makes the following amendment in the Delhi Road Transport Authority (Functions and Duties of the General Manager and Chief Accounts Officer) Rules, 1952, published with notification of the Government of India in the Ministry of Transport No. S.R.O. 1195, dated the 2nd July, 1952, namely:—

For sub-rule (2) of rule 4 of the said Rules, the following sub-rule shall be substituted, namely:—

"(2) The Chief Accounts Officer shall give his comments on every new proposal going before the General Manager and his views on such proposal shall not be overruled except with the permission of the Authority or the Chairman. He shall also have the right to refer to the Authority any matter which in his opinion ought to be brought to its notice".

[No. 18-TAG(5)/53.]

T. S. PARASURAMAN, Dy. Secy.

MERCHANT SHIPPING

New Delhi, the 15th June 1953

S.R.O. 1173.—In exercise of the powers conferred by sub-section (1) of section 148 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the Notification of the Government of India in the late Department of Commerce No. 60-MI(2)/37, dated the 21st August 1937, the Central Government hereby exempts ships carrying more than one hundred unberthed passengers and engaged on short voyages of less than 24 hours' duration from the provisions of clause (ee) of section 155 and sub-section (1) of section 184, of the said Act.

[No. 48-MA(1)/53.]

ORDER

New Delhi, the 16th June 1953

S.R.O. 1174.—In exercise of the powers conferred by section 192 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), (hereinafter referred to as the Act), and in supersession of the Order published with the Government of India in the late Department of Commerce Notification No. 55-M.I/29, dated the 27th April, 1929, the Central Government makes this Order prescribing in the case of unberthed passenger ships the number of superficial and of cubic feet of space to be available for unberthed passengers and directs that this Order shall over-ride the requirements on that subject of sub-sections (1) and (3) of section 176 and of section 179 of the Act—

1. (1) This Order may be called the Unberthed Passengers (Availability of Space) Order, 1953.

(2) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,—

(a) "duration of a voyage" means the interval between the time at which a ship leaves the Pilot Station of a port from which the voyage commences and the time at which she arrives at the Pilot Station of a port at which the voyage terminates;

(b) "new ship" means a ship the keel of which is laid on or after the date of coming into force of this Order or a ship which enters unberthed passenger traffic after that date;

(c) "passenger" means an unberthed passenger as defined in sub-section (1) of section 149 of the Act;

(d) "Ship" means an unberthed passenger ship as defined in section 149(2) of the Act;

(e) "surveyor" means a surveyor appointed under section 129 of the Act.

3. A ship performing a voyage whose duration in ordinary circumstances does not exceed twenty-four hours shall contain in the between-decks on which passengers are accommodated at least eight superficial feet and forty-eight cubic feet of space during seasons of fair weather and nine and a half superficial feet and fifty-seven cubic feet of space during seasons of foul weather available for each passenger accommodated in the between-decks, and on the upper (weather) deck at least four superficial feet airing space for each such passenger, and eight superficial feet and forty-eight cubic feet of space available for each passenger accommodated on the upper (weather) deck.

4. A ship performing a voyage whose duration in ordinary circumstances exceeds twenty-four hours but does not exceed forty-eight hours shall contain on the decks on which passengers are accommodated, space available for each passenger according to the following scale:—

	<i>Fair weather</i>	<i>Foul weather</i>
Upper (weather) and upper between-deck	10 superficial ft. & 60 cubic feet.	12 superficial feet & 72 cubic feet.
Lower between-deck	15 superficial ft. & 72 cubic feet.	15 superficial feet & 90 cubic feet.

In addition to the above, not less than four superficial feet of airing space shall be provided on the upper (weather) deck for each passenger accommodated in the between-decks.

5. (a) A ship performing voyages whose duration in ordinary circumstances exceeds forty-eight hours shall contain on the decks on which passengers are accommodated, space available for each passenger according to the following scale:—

	<i>Fair weather</i>	<i>Foul weather</i>
Upper (weather) deck	12 superficial ft. & 72 cubic feet.	..
Upper between-deck	12 superficial ft. & 72 cubic feet.	12 superficial feet & 72 cubic feet.
Lower between-deck	14 superficial ft. & 84 cubic feet.	15 superficial feet & 90 cubic feet.

(b) In addition to the above, there shall be provided on the upper (weather) deck as airing space, at least four superficial feet for each passenger accommodated in the between-decks during seasons of fair weather, and at least four superficial feet for each passenger accommodated in the upper between-decks and six superficial feet for each passenger accommodated in the lower between-decks during seasons of foul weather.

(c) During season of foul weather space on the upper (weather) deck shall not be treated as available for the accommodation of passengers except that such space may be treated as available for use as airing space required to be provided in accordance with clause (b) above.

6. The airing space shall be reserved on the upper (weather) deck and shall be effectively separated from the rest of the spaces intended for accommodating passengers by suitable barriers and shall be marked conspicuously "AIRING SPACE FOR BETWEEN-DECK PASSENGERS ONLY" in English and in appropriate regional languages.

7. The airing deck shall be kept free from baggage or other encumbrances and shall be provided with sufficient number of benches or chairs or both.

8. In the case of ships which carry passengers in between decks, no deck lower than that next below the load line shall be measured for passengers and no passenger shall be carried in any between deck space when the height of such space is less than seven feet from deck to deck in the case of new ships and six feet in the case of existing ships.

9. A portion of one deck or compartment of sufficient superficial space in accordance with this Order to accommodate unaccompanied women passengers and children shall be provided for their exclusive use. Such space shall be screened off from the spaces appropriated to other passengers by moveable partitions to the satisfaction of the surveyor.

10. Spaces intended for accommodation of passengers shall be clearly demarcated by permanent painted white lines not less than three inches broad. The number of passengers which each compartment is capable of accommodating shall be marked in that compartment conspicuously in English and regional languages.

11. (a) No space within two feet of the entrance to any ladderway, wash place or lavatory or a battery of latrines or of any watertap shall be included in the space measured for passengers.

(b) Such spaces shall be partitioned off by rails, or by stanchions and chains to the satisfaction of the surveyor.

12. In every deck as well as in every compartment in the between-decks 5 per cent. of the area available for passengers shall be deducted for the accommodation of baggage for arriving at the number of passengers which the deck or compartment may carry. This space excepting that on the upper (weather) deck shall be provided with baggage racks or other suitable arrangements for storage of baggage.

13. In the case of ships employed on voyages exceeding forty-eight hours duration, in determining the area available for passengers and the number of passengers who may be carried therein, the space to be set apart for a dining room at the scale of one superficial foot per passenger in new ships and half a superficial foot per passenger in existing ships, shall be excluded.

14. For the purposes of this Order—

(a) Enclosed spaces in a superstructure shall be treated as available for passengers accommodated in the upper between-decks when the means of egress is direct and not through another passenger space. When this condition as to egress is not fulfilled, the space shall be measured as prescribed for lower between-decks.

(b) If a space which would otherwise be treated as available for passengers in the upper between-decks has no egress save through another space so treated, it shall be treated as available for passengers on the lower between-decks.

(c) Space on deck in way of side openings normally open to the air on both sides of the vessel shall, if it is ventilated to the satisfaction of the surveyor, be treated as available for passengers on the upper (weather) deck or upper between-decks at the option of the Owner.

Provided that such space shall not be treated as space on the upper between-decks unless it is fitted to the satisfaction of the surveyor with efficient means for closing the side openings in bad weather.

(d) No part of any hatchway shall be treated as suitable accommodation for passengers.

15. (a) The decks on which the passengers are accommodated shall form part of the permanent structure of the ship and shall be of adequate strength.

(b) If the deck is constructed of wood, it shall be properly laid and caulked and shall be continuous from side to side of the space in which the passengers are to be accommodated.

(c) If the deck is not constructed of wood, it shall be covered, to the satisfaction of the surveyor, either with wood sheathing closely and securely fitted or with an approved non-conducting composition.

16. No portion of a deck which the surveyor considers, or has reason to believe would be unsuitable for passenger accommodation shall be taken into account when measuring deck spaces available for the accommodation of passengers.

17. The provisions of this Order shall not apply in the case of ships performing long voyages as defined in the Act which are required to be fitted with bunks in the prescribed manner.

18. The Director General of Shipping may, subject to such conditions as he thinks fit, exempt any ship from full compliance with any requirement of this Order if he is satisfied that the requirement is either impracticable or unreasonable in the case of that ship.

[No. 55-MA(10)/52.]

S. K. GHOSH, Dy. Secy.

PORTS II

New Delhi, the 16th June 1953

S.R.O. 1175.—In exercise of the powers conferred by clause (jj) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby makes the following rule relating to the licensing of stevedores at the Port of Cochin, the same having been previously published, as required by sub-section (2) of the said section, namely:—

RULE

“No stevedore shall be allowed to work on board any vessel at the Port unless he holds a licence issued by the Conservator of the Port, subject to the conditions to be prescribed by him in this behalf”.

[No. 6-II(65)/51.]

C. PARTHASARATHY, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 12th June 1953

S.R.O. 1176.—In exercise of the powers conferred by sub-section (1) of section 4 of the Inflammable Substances Act, 1952 (XX of 1952), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Ministry of Works, Production and Supply No. M-102(43)/52, dated the 31st March 1952, namely:—

In the schedule to the said notification—

- (a) in item 2 after the words “in the district of Gurgaon”, the words “Fatehabad in the district of Hissar; Barara, Ambala city and Ambala Cantonment of Tehsil Ambala, Mubarkpur and Panchkula of Tehsil Kharar and Jagadhri of Tehsil Jagadhri in the district of Ambala; Karnal and Nilokheri of Tehsil Karnal, Pipli, Shahbad Markanda and Kurukshetra of Tehsil Thanesar and Kaithal of Tehsil Kaithal in the district of Karnal” shall be added at the end.

- (b) after item 4 the following item shall be added at the end, namely:—

“5. Tehsils of Jind and Nanwana in the district of Sangrur and Dalmia Dadri in the district of Mahendragarh; Bassi Pathana, Govindgarh and Sirhind of Tehsil Pathegarh in the district of Pathegarh and Rajpura of Tehsil of Rajpura in the district of Patiala, in the State of Patiala and East Punjab States Union.”

[No. M-102(43)S&P.II/51.]

B. S. KALKAT, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 6th June 1953

S.R.O. 1177.—In exercise of the powers conferred by section 11 of the Chandernagore (Administration) Regulations, 1952 (I of 1952), the Central Government hereby extends to Chandernagore the Legal Practitioners' Act, 1879 (XVIII of 1879) with the following modifications, namely:—

Modifications

1. For section 1 the following section shall be substituted, namely:—

“1. (1) This Act may be called the Legal Practitioners' Act, 1879.

(2) It extends to Chandernagore.”

2. In section 3 after the definition of ‘Judge’ the following definition shall be inserted, namely:—

“‘High Court’ means the High Court at Calcutta.”

3. In section 10 for the proviso, the following provisos shall be substituted, namely:—

“Provided that persons who have been practising as pleaders and mukhtars under the French Law in the court in Chandernagore immediately before the commencement of this Act, shall not be required to acquire any additional qualification.”

“Provided further that any licence granted to any such pleader or mukhtar authorising him to practise in such courts shall cease to be in force at the end of the current year unless it is renewed under section 7.”

(D. 2755-Eur.I/53)

[No. 284-Eur.I.]

New Delhi, the 8th June 1953

S.R.O. 1178.—In exercise of the powers conferred by section 11 of the Chandernagore (Administration) Regulation, 1952 (I of 1952), and all other powers enabling it in that behalf the Central Government hereby directs that the following amendments shall be made in the notification of the Government of India in the Ministry of External Affairs No. S.R.O. 1951, dated the 19th November, 1952, namely:—

In the said notification—

1. In the schedule relating to the Court Fees Act, 1870 (VII of 1870)—

(a) clause (b) of modification 2 shall be omitted.

(b) modification 3 shall be omitted.

2. In the Appendix the following articles shall be added:—

11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two per centum on such amount or value.
	When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.	Two and a half per centum on such amount or value.
	When such amount or value exceeds fifty thousand rupees.	Three per centum on such amount or value.
12. Certificate under the Indian Succession Act, 1925.	In any case	Two per centum on the amount or value of any debt or security specified in the certificate under section 8 of the Act, and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.

NOTE:—(1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and, where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for as such value can be ascertained.

[D. 2885-Eur.I/53].

[No. 285-Eur.I.]

New Delhi, the 13th June 1953

S.R.O. 1179.—In exercise of the powers conferred by clause 2 of section (2) of Calcutta Thika Tenancy Act, 1949 (West Bengal Act II of 1949), as extended to Chandernagore, the Central Government hereby appoints the Sub-Divisional Magistrate of Chandernagore, *ex-officio*, as the Controller for Chandernagore under the said Act.

[No. D-2886-Eur.I/53.]

[No. Eur.I/289.]

S.R.O. 1180.—In exercise of the powers conferred by section II of the Chandernagore (Administration) Regulation 1952 (Regulation I of 1952) the Central Government hereby extends to Chandernagore the Calcutta Thika Tenancy Act, 1949 (West Bengal Act II of 1949) (hereinafter referred to as the said Act) as at present in force in West Bengal, with the following modifications, namely:—

Modifications

In the said Act—

1. For the words "State Government" wherever they occur, the words "Central Government" shall be substituted;

2. In section I for sub-sections (2) and (3) the following sub-sections shall be substituted, namely:—

"(2) It extends to the whole of Chandernagore;

(3) It shall come into force at once";

3. In section 2 the word "and" occurring at the end of clause 5, and clause 6 shall be omitted;

4. In section 4 for the words and figures "in the manner provided in section 106 of the Transfer of Property Act, 1882" the words "in writing signed by or on behalf of such landlord and sent by post" shall be substituted;

5. In section 10, in sub-section (2) for the words, brackets and figures "the West Bengal Premises Rent Control (Temporary Provisions) Act 1948" wherever they occur the words, brackets and figures "the West Bengal Premises Rent Control (Temporary Provisions) Act 1950" shall be substituted;

6. In section 27—

(a) for sub-section (I) the following sub-section shall be substituted, namely:—

"(I) Any person aggrieved by an order of the Controller may, within thirty days from the date of the order, present an appeal in writing to the District Judge of Chandernagore."

(b) for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) The Central Government may by notification appoint any person who is a judicial officer not below the rank of subordinate judge to hear appeals presented under sub-section (I) to the District Judge of Chandernagore";

(c) in sub-section (3) for the words, brackets, letters and figure "The Chief Judge of the Court of Small Causes of Calcutta to whom an appeal is presented under clause (a) of sub-section (I) or a District Judge to whom an appeal is presented under clause (b) of that sub-section" the words, brackets and figure "The District Judge of Chandernagore to whom an appeal is presented under sub-section (I)" shall be substituted;

(d) in sub-section (4) the words "The Chief Judge or" shall be omitted;

(e) in sub-section (5) for the words "the Chief Judge of the Court of Small Causes of Calcutta or a" the words "or the" shall be substituted;

(f) in sub-section (6) the words "the Chief Judge or" shall be omitted.

7. In section 30 the word "or" occurring at the end of sub-clause (iv) of clause (b), and clause (c) shall be omitted.

8. Section 33 shall be omitted.

9. In section 34, in clause (j) of sub-section (2) the words "the Chief Judge of the Court of Small Causes of Calcutta" shall be omitted.

[No. D. 2886-Eur.I/53.]

[No. Eur.I/290.]

A. N. MEHTA, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 22nd May 1953

S.R.O. 1181.—Corrigendum.—In S.R.O. 738, dated the 26th March 1953, published in the *Gazette of India Extraordinary*, dated the 20th April, 1953, on page 1220 in paragraph 164(b), against item 9 of the categories of employees, in the last column, the figure '30' shall be substituted for the figure '3'.

[No. LR-I-100(57).]

New Delhi, the 12th June 1953

S.R.O. 1182.—In exercise of the powers conferred by section 35 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), the Central Government hereby directs that the following amendments shall be made in the Industrial Disputes (Appellate Tribunal) Rules, 1951, namely:—

Amendments

After rule 19 of the said Rules, the following rule shall be inserted, namely:—

"19A. *Application for permission under section 22.*—(1) An employer intending to obtain the express permission in writing of the Appellate Tribunal under section 22 shall present an application in Form F in triplicate to the Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(2) Every application under sub-rule (1) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Tribunal to be acquainted with the facts of the case.

(3) The person verifying shall specify, by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified."

2. After Form E, the following Form shall be inserted, namely:—

"Form F

(See rule 19A)

Before the Labour Appellate Tribunal.

Application for permission under section 22 of the Industrial Disputes (Appellate Tribunal) Act, 1950.

A Applicant (address).

Versus

B Opposite Party(ies) (address).

The above mentioned applicant begs to state as follows:—

(here set out the relevant facts and circumstances of the case and the grounds on which the permission is sought for).

The applicant therefore prays that express permission may kindly be granted to him to take the following action, namely:—

[here mention the action specified in clause (a) or clause (b) of section 22].

Signature of the applicant

Dated thisday of1953

Space for verification

(Signature of the person verifying)

.....

Date (on which the verification was signed).....

Place (at which the verification was signed)....."

[No. LR.1(239).]

New Delhi, the 15th June 1953

S.R.O. 1183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following awards of the Industrial Tribunal, Madurai, in the matter of applications under Section 33-A of the said Act.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, MADURAI

PRESENT:—Sri E. Krishnamurthi, M.A., B.L., Industrial Tribunal at Madurai.

Thursday, the 21st May 1953

INDUSTRIAL DISPUTE No. 3(CENTRAL) OF 1952

BETWEEN

Worker P. A. Syed Mohammed, Stevedore workman under P. A. Abdulrahiman Kutty Stevedore, Fort Cochin—*Petitioner.*

AND

The management of P. A. Abdulrahiman Kutty, Stevedore, Fort Cochin—*Respondents.*

AWARD

By Order No. L.R.2(345)I, dated 13th October 1952, of the Government of India, Ministry of Labour, New Delhi, the industrial dispute between certain employers of Stevedore labour and their workmen at Port Cochin has been referred to this Tribunal for adjudication.

2. This petition has been preferred by P. A. Syed Mohammed, Stevedore Workman under Section 33-A of the Industrial Disputes Act, 1947, who complains that the respondent P. A. Abdulrahiman Kutty unlawfully discharged him from service on 2nd February 1952 without prior permission of this Tribunal, and without reasonable cause, and that the petitioner who is a permanent workman working under the respondent from 1942 should be re-instated together with wages.

3. No counter has been filed on behalf of the opposite party.

4. At the time the petition came on for hearing it was represented on behalf of the petitioner that the petition was filed by mistake, and that this petition should be allowed to be withdrawn.

5. In the result I pass an award dismissing the petition as withdrawn.

6. There will be no order as to costs. An award is passed accordingly. Dated at Tiruchirapalli Camp this the 21st day of May 1953.

E. KRISHNAMURTHI,

Industrial Tribunal at Madurai.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, MADURAI

PRESENT:—Sri E. Krishnamurthi, M.A., B.L., Industrial Tribunal at Madurai.

Thursday, the 21st May 1953

Industrial Disputes Nos. 2(Central)/52, 10(Central)/52, 11(Central)/52 and No. 12(Central) of 1952.

INDUSTRIAL DISPUTE No. 2(CENTRAL) OF 1952

BETWEEN

Worker A. P. Syed Mohamed, Stevedore Workman, under P. A. Abdul Rahman Kutty, Stevedore, Port Cochin—*Petitioner.*

AND

The management of P. A. Abdul Rahman Kutty, Stevedores, Port Cochin—*Respondents.*

INDUSTRIAL DISPUTE NO. 10(CENTRAL) OF 1952

BETWEEN

Worker N. K. Ibrahim, Stevedore Workman. under B. Paul Abro, Stevedores,
Port Cochin—*Petitioner*.

AND

The management of B. Paul Abro, Stevedores, Port Cochin—*Respondents*.

INDUSTRIAL DISPUTE NO. 11(CENTRAL) OF 1952

BETWEEN

Worker J. Dohias, Stevedore Workman. under B. Paul Abro, Stevedores
Port Cochin—*Petitioner*.

AND

The management of B. Paul Abro, Stevedores, Port Cochin—*Respondents*.

INDUSTRIAL DISPUTE NO. 12(CENTRAL) OF 1952

BETWEEN

Worker C. X. Anthony, Stevedore Workman. under B. Paul Abro, Stevedores,
Port Cochin—*Petitioner*.

AND

The management of B. Paul Abro, Stevedores, Port Cochin—*Respondents*.

AWARD

By Order No. L.R.2(345)-I. dated 14th October 1952. of the Government of India, Ministry of Labour, New Delhi, the industrial dispute between certain employers of Stevedore labour and their workmen at Port Cochin has been referred to this Tribunal for adjudication.

2. These several petitions have been preferred under Section 33-A of the Industrial Disputes Act of 1947.

3. The petitioners' case is that they are permanently employed under their respective employers the respective respondents in the petitions as Stevedore workmen, that they were working as permanent workmen from a considerable time past, that some of them were even working from the year 1940, that their services were unlawfully terminated during the pendency of Industrial Dispute No. 18 (Central) of 1951, that the employers did not obtain the express permission of the Tribunal for discharging these workers, that the discharge is without reasonable cause, and that the several petitioners should be re-instated with wages.

4. The contention of the respondents is, that they have no permanent labour force under them, that the quantum of work available varies from day to day, that the workers are engaged only on a casual day-to-day basis, without any permanency or continuity of service, that wages are being paid day-to-day, that under these circumstances, there is no question of violation of section 33 of the Industrial Disputes Act of 1947, that the respondents are merely acting according to the directions contained in the award published in the *Gazette of India*, dated 5th January 1952, in I.D. 18 (Central) of 1951, and that the petitioners can have no relief.

5. The following issues are framed:—

1. Whether the several petitioners were permanent labourers as alleged by them, under the several employers?
2. Whether the discharge of these labourers is valid?
3. Whether the respondents have contravened section 33 of the Industrial Disputes Act of 1947?
4. Whether the petitioners were mere casual labourers without any permanency or continuity of service and whether section 33 has no application to the facts of this case as contended on behalf of the management?
5. Whether the action of the respondents is valid in the light of the award in I.D. No. 18(Central) of 1951, dated 5th January 1952, and whether no exception can be taken thereto as contended by them?
6. Whether the several petitioners are entitled to re-instatement?
7. To what compensation, if any, are they entitled?
8. What order should be made regarding costs?

6. Issues 1 to 8.—These several petitions have been preferred by workmen claiming to be permanent workers in the employ of the respondents *viz.*, P. A. Abdul Rahman Kutty and B. Paul Abrao. The case for the petitioners is, that they were permanently employed under the respondents as stevedore workmen, that they were discharged from service in October 1952, without express permission of this Tribunal and without any reasonable cause, and that they should be re-instated together with wages, for the period of forced unemployment.

7. It is alleged that the action of the management in terminating their service without the express permission of the Tribunal amounts to contravention of Section 33 of the Industrial Disputes Act because the dispute in question had been referred to the Tribunal for adjudication long prior to the discharge on 13th October 1952.

8. The case for the respondents is that the several petitioners were casual, day-to-day labourers, without any permanency or continuity of service.

9. It is contended that, to such workmen, Section 33 can have no application.

10. The respondents also take their stand on the award, dated 5th January 1952 in I.D. 18 (Central) of 1951 and state, that in acting according to the directions contained in the said award, they have not contravened any of the provisions of the Industrial Disputes Act.

11. At the time these petitions came on for hearing both parties were persuaded to settle their differences and agree to a settlement. Both parties entered into the following agreement:—

"The employers concerned agree to give employment on usual terms to this petitioners as from the 1st June 1953. The petitioners do not press their claim for compensation.

Dated 11th May 1953.

(Sd.) G. B. PAI, Advocate.

(Sd.) B. PAUL ABRAO.

For B. Paul Abrao.

(Sd.) P. A. ABDUL KHADER,

For P. A. Abdul Rahman Kutty,
Cochin Port Cargo Labour Union.

(Sd.) C. A. GEORGE, 11-5-1953,
President."

12. In view of the above settlement I pass an award as follows:—

1. The respondents in the several petitions shall give employment, on the usual terms, to each of the petitioners as from 1st June 1953.
2. The petitioners' claim for compensation is dismissed as not pressed.
3. There will be no order as to costs.

13. An award is passed accordingly.

Dated at Tiruchirapalli Camp this the 21st day of May 1953.

E. KRISHNAMURTHI,
Industrial Tribunal at Madurai.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

PRESENT:—Sri E. Krishnamurthi, M.A., B.L., Industrial Tribunal at Madurai.

Thursday, the 21st May 1953

Industrial Disputes Nos. 15 (Central) of 1952 to 20 (Central) of 1952 and 1 (Central) of 1953 to 16 (Central) of 1953.

INDUSTRIAL DISPUTE NO. 15 (CENTRAL) OF 1952

BETWEEN

Worker P. K. Karunakara Panicker, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—Petitioner.

AND

The management of the South India Corporation Ltd., Willingdon Island—Respondent.

INDUSTRIAL DISPUTE NO. 16 (CENTRAL) OF 1952

BETWEEN

Worker Pappu Raghavan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondent*.

INDUSTRIAL DISPUTE NO. 17 (CENTRAL) OF 1952

BETWEEN

Pappy Govindan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondent*.

INDUSTRIAL DISPUTE NO. 18 (CENTRAL) OF 1952

BETWEEN

Worker Thammy Gopalan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondent*.

INDUSTRIAL DISPUTE NO. 19 (CENTRAL) OF 1952

BETWEEN

Worker Sanku Vasu, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondent*.

INDUSTRIAL DISPUTE NO. 20 (CENTRAL) OF 1952

BETWEEN

Worker Iyyappan Sridharan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 1 (CENTRAL) OF 1953

BETWEEN

Worker Krishnan Raman, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 2 (CENTRAL) OF 1953

BETWEEN

Worker Raman Narayanan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 3 (CENTRAL) OF 1953

BETWEEN

Worker Raman Govindan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 4 (CENTRAL) OF 1953

BETWEEN

Worker Paskal Menthis Josa, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 5 (CENTRAL) OF 1953

BETWEEN

Worker Narayanan Lakshmanan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 6 (CENTRAL) OF 1953

BETWEEN

Worker Pappu Madhavan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 7 (CENTRAL) OF 1953

BETWEEN

Worker Govindan Kumaran, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 8 (CENTRAL) OF 1953

BETWEEN

Worker Patherose Choero, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 9 (CENTRAL) OF 1953

BETWEEN

Worker Raman Lohidakshan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 10 (CENTRAL) OF 1953

BETWEEN

Worker Yohaman Josaph, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE No. 11 (CENTRAL) OF 1953

BETWEEN

Worker Varudu Agustine, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 12 (CENTRAL) OF 1953

BETWEEN

Worker Arangan Padmanabhan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 13 (CENTRAL) OF 1953

BETWEEN

Worker Senkaran Velu, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 14 (CENTRAL) OF 1953

BETWEEN

Worker Vareaahan Samuel, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 15 (CENTRAL) OF 1953

BETWEEN

Vakko Anthappan, Head-load-Labourer, under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

INDUSTRIAL DISPUTE NO. 16 (CENTRAL) OF 1953

BETWEEN

Paily Joseph, Head-load-Labourer, employed under the South India Corporation Ltd., Willingdon Island—*Petitioner*.

AND

The management of the South India Corporation Ltd., Willingdon Island—*Respondents*.

AWARDS

By L.R.2(345)I dated 13th October 1952 of the Government of India, Ministry of Labour, New Delhi, the Industrial Dispute between certain employers of stevedore labour and their workmen at Port Cochin has been referred to this Tribunal for adjudication.

2. Pending adjudication of the said dispute various petitions set out above *viz.*, I.D. Nos. 15 (Central) of 1952 to 20 (Central) of 1952 and 1 (Central) of 1953 to 16 (Central) of 1953, have all been preferred by the various petitioners under Section 33-A of the Industrial Disputes Act of 1947 against the opposite party, The South India Corporation Ltd., Willingdon Island.

3. The allegations in the petitions filed on behalf of the petitioners and the counters filed on behalf of the opposite party are all practically identical, and it is not necessary to set out the allegations in each of these petitions in detail.

4. Generally stated, it is alleged on behalf of the several petitioners that they were head-load-labourers who were permanently employed on a monthly salary under the opposite party, that they had worked under the respondent as permanent labourers from a considerable time past (the year of commencement of service differing in each individual case), that the opposite party discharged the several complainants from service during the pendency of proceedings before this Tribunal *i.e.*, on 1st November 1952 without the express permission in writing by this Tribunal and without any reasonable cause, and that the employer should be directed to reinstate the several petitioners with wages.

5. The contention on behalf of the respondent is, that the South India Corporation Limited Willingdon Island, entered into the portage contract with the Port of Cochin on 25th June 1952, that as a result of conciliation proceedings by

the Chief Labour Commissioner of India, the said corporation agreed to register on its rolls by agreement, dated 4th July 1952 all the workers employed by previous contractors Messrs. Darabshaw B. Cursetjee's Sons, that as a result of the said agreement the several petitioners were registered as temporary workmen and given temporary employment on daily wages on 21st July 1952 subsequent to the date on which the dispute was referred for adjudication to this Tribunal that the terms of employment of the several workmen contained in the application form signed by the several petitioners make it clear that the several workmen were to loose their employment the moment there was slackness of work, that on account of slackness of work from 1st October 1952 the respondent was forced to lay off the several petitioners, that this is in accordance with the terms of the contract and the standing orders of the company that, moreover, each of the petitioners executed receipts, dated 31st October 1952 in full settlement of all their claims, that they are not entitled to go back on the agreements entered into by them when they were employed or the receipts executed by them, that in any case, none of the petitioners can be deemed to be a workman concerned in the disputes when he was given employment long after the dispute had been referred, that there is no contravention of Section 33 of the Industrial Disputes Act, that the lay off of workmen on account of slackness of work is not governed by Section 33 of the Industrial Disputes Act, and that the several petitions must be dismissed.

6. The following issues arise for determination in each of the said disputes:—

1. Whether the several petitioners were permanently employed on a monthly salary by the opposite party as head-load-labourers?
2. What is the period of service of each of the petitioners under the opposite party?
3. Whether the discharge of the several petitioners from 1st November 1952 is justified and valid?
4. Whether it was necessary to obtain the permission of this Tribunal for discharge of the several petitioners as contended on behalf of the petitioners?
5. Whether the opposite party was not bound to obtain the permission of this Tribunal as contended in the counter?
6. Whether the workmen were merely temporary labourers employed on daily wages?
7. Whether they were employed long after the date of reference to this Tribunal as alleged on behalf of the management; if so, whether Section 33 of the Industrial Disputes Act has no application to such workmen?
8. Whether the lay off of the several petitioners was due to slackness of work and is justified as contended on behalf of the management?
9. Whether the lay off for slackness of work is not governed by Section 33 of the Industrial Disputes Act?
10. Whether each of the several workers is entitled to be reinstated in service?
11. To what compensation, if any, is each of the petitioners entitled?
12. What orders should be made regarding costs?

7. *Issues Nos. 1 to 12.*—The dispute between the Port stevedores and their workmen at the Port of Cochin was referred to this Tribunal for adjudication by Order No. L.R.2(345)II, dated 13th October 1952. The several petitioners referred to above were under the employ of the respondents in these petitions *viz.*, The South India Corporation Limited, Willingdon Island. These petitions have been filed under Section 33-A of the Industrial Disputes Act complaining about the alleged wrongful termination of the services of the several applicants.

8. The contention on behalf of the petitioners is, that they were permanent workmen under the employ of the respondent on a monthly basis and that they were discharged from service from 1st November 1952 without reasonable cause, and that such discharge is also against the provisions of Section 33 of the Industrial Disputes Act as the necessary permission of this Tribunal was not obtained. It cannot be disputed that by 1st November 1952 the dispute had been referred to this Tribunal for adjudication.

9. The case for the respondent is, that the several petitioners were only temporary workers employed on a temporary basis, and that they were laid off on account of slackness of work from 1st October 1952. It is alleged that in view of the terms of employment contained in the application form signed by the several petitioners they can raise no objection to the termination of their services. It is further contended that the several petitioners executed receipts receiving money

in full quit of all their claims on 31st October 1952. The respondent denies having contravened Section 33 of the Industrial Disputes Act and contends that no permission was necessary for discharge of the several petitioners.

10. At the time when the disputes came on for hearing and enquiry, both parties were persuaded to compose their differences and agree to a settlement. Both parties entered into the following agreement:—

“Before the Industrial Tribunal (Central), Madurai.

I.D.s Nos. 15(C) of 1952 to 20(C) of 1952.

I.D.s Nos. 1(C) of 1953 to 18(C) of 1953.

Agreement arrived at between the Petitioners in the above petitions and the counter Petitioners.

The petitioners agree to withdraw the above petitions on the following terms:—

1. The petitioners will be given for at least 20 days' work in a month on a guaranteed minimum wage of Rs. 2-8-0 per day for a period of 4 months from the 25th May 1953, subject to review after the said four months.

2. They will also be given an *ex-gratia* payment of Rs. 30 per head.

Dated 12th May 1953.

For the Petitioners,
(Sd.) A. GEORGE CHADAYAMURRY,
C. A. GEORGE President,
Port Cargo Labour Union.

The respondents agree to above terms.

(Sd.) G. B. PAI, Advocate.

For the Opposite Party (Counter
Petitioners),
(Sd.) L. LETCHUMANAN,
Asstt. Manager,
South India Corporation Ltd.”

11. The terms agreed upon are fair and reasonable and it seems to me that they are acceptable.

12. Accordingly I pass an award in terms of the agreement between the parties as follows:—

1. Each of the petitioners in the several disputes referred to above shall be given by the respondent, The South India Corporation Ltd., Willingdon Island, at least 20 days' work in a month on a guaranteed minimum wage of Rs. 2-8-0 per day for a period of 4 months commencing from 25th May 1953 but subject to review after four months.

2. Each of the petitioners will also be given an *ex-gratia* payment of Rs. 30. The said amount shall be paid as early as possible and in any case not later than 15 days from the date of the publication of this Award in the official gazette.

3. Subject to the above conditions the petitions are dismissed as withdrawn. There will be no order as to costs in all the petitions.

Dated at Tiruchirapalli Camp, this the 21st day of May 1953.

E. KRISHNAMURTHI,
Industrial Tribunal at Madurai.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

PRESENT:—Sri E. Krishnamurthi, M.A., B.L., Industrial Tribunal at Madurai.

Thursday, the 21st May 1953

Industrial Disputes Nos. 1 (Central) of 1952, 4 (Central) of 1952 and 6 (Central) of 1952.

INDUSTRIAL DISPUTE NO. 1 (CENTRAL) OF 1952

BETWEEN

Worker T. M. Ibrahim, Stevedore Workman, under P. B. Abdulrahiman Kutty, Stevedore, Port Cochin—Petitioner.

AND

The management of P. B. Abdulrahiman Kutty, Stevedore, Port Cochin—Respondents.

INDUSTRIAL DISPUTE NO. 4 (CENTRAL) OF 1952

BETWEEN

Worker K. K. Kanghava, Stevedore Workman, under P. B. Abdulrahiman Kutty, Stevedore, Port Cochin—*Petitioner*.

AND

The management of P. B. Abdulrahiman Kutty, Stevedore, Port Cochin—*Respondents*.

INDUSTRIAL DISPUTE NO. 6 (CENTRAL) OF 1952

BETWEEN

Worker P. N. Mammo, Stevedore Workman, under P. B. Abdulrahiman Kutty, Stevedore, Port Cochin—*Petitioner*.

AND

The management of P. B. Abdulrahiman Kutty, Stevedore, Port Cochin—*Respondents*.

AWARD

By Order No. L.R. 2(345)II, dated 13th October 1952 of the Government of India, Ministry of Labour, New Delhi, the Industrial Dispute between the certain employers of stevedore labour and their workmen at Port Cochin has been referred to this Tribunal for adjudication.

2. Pending adjudication of the above dispute, the three petitions referred to above have been filed under Section 33-A of the Industrial Disputes Act of 1947.

3. The contentions on behalf of the several stevedore workmen in the three petitions are identical.

4. The case for the petitioners is that they were permanently employed by the opposite party P. B. Abdulrahiman Kutty, from 1948, that they were discharged from service by the respondent on the ground that they were not members of the Cochin Thuramukha Thozhilali Union, that such discharge without any reasonable cause and without express permission of this Tribunal is not valid, that the petitioners' representations have been of no avail, and that they must be reinstated in service together with wages.

5. On behalf of the respondent it is alleged that he is not directly engaged in the recruiting of stevedore labour as this work has been entrusted to one Mr. V. P. Mammo, that the respondent was under no obligation for entertaining any particular individual prior to 2nd February 1952 for work, that with effect from 2nd February 1952 in terms of the award in I.D. No. 18 (Central) of 1951, the Cochin Thuramukha Thozhilali Union, Mattahcherry supplies the necessary workmen selected from among their enlisted members, that the respondent has no responsibility in the choice of the workmen, and that the petitioners are not entitled to any relief.

6. The following issues arise for determination:—

1. Whether the several petitioners were permanent workmen in the employ of the respondent as alleged by them?
2. Whether the discharge of these workers is valid?
3. Whether the discharge of these workmen without permission of this Tribunal is in contravention of Section 33 of the Industrial Disputes Act?
4. Whether there is no contravention of Section 33 as contended on behalf of the respondent?
5. Whether the respondent is under no obligation in the matter of appointment of workmen in pursuance of the terms of the award in I.D. No. 18 (Central) of 1951 as contended by him?
6. Whether the several petitioners are entitled to reinstatement?
7. To what compensation if any are the workers entitled?
8. What orders should be made regarding costs?

7. *Issues Nos. 1 to 8.*—The dispute between the workers and the managements of stevedore labour in the Port of Cochin was referred to this Tribunal for adjudication by order No. L.R. 345-I, dated 13th October 1952 of the Government of India, Ministry of Labour, New Delhi. The several petitioners set out above complain that they were discharged from service without reasonable cause and without permission of this Tribunal, in January and February of 1952, subsequent to the dates on which the reference was made. They contend that the discharge is without reasonable cause and without express permission in writing

of this Tribunal. They pray that they should be reinstated in service and that they should be paid compensation for the period of forced unemployment.

8. The respondent's case is that he is not strictly concerned with the recruitment of stevedore labour and it is done through one Mr. V. P. Mammoo. The respondent further states that in pursuance of the terms of the award in I.D. No. 18 (Central) of 1951, the Cochin Thuramukha Thozhilali Union supplied the necessary labour from 2nd February 1952, and that the respondent has no concern with the same. The claim of the petitioners for reinstatement and compensation is not admitted.

9. At the time the enquiry came on for hearing, both parties were persuaded to settle their differences and to agree to a settlement. Both parties entered into the following agreement:—

"The employer concerned agree to give employment on usual terms to the petitioners as from 1st June 1953. The petitioner do not press their claim for compensation.

Dated 11th May.

(Sd.) P. V. VARGHESE,
Advocate for the employer.

(Sd.) G. A. GEORGE, President,
Cochin Port Cargo Labour Union,
For the Petitioners."

10. An order is passed in terms of the above agreement. The respondent in the several petitions shall give employment on usual terms to each of the several petitioners as from 1st June 1953. The petitioners claim for compensation is dismissed as not pressed.

11. There will be no order as to costs.

12. An award is passed in the above terms, in all the several petitions.

Dated at Tiruchirapalli Camp this the 21st day of May 1953.

E. KRISHNAMURTHI,
Industrial Tribunal at Madurai.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

PRESENT:—Sri E. Krishnamurthi, M.A., B.L., Industrial Tribunal at Madurai.

Thursday, the 21st May 1953

INDUSTRIAL DISPUTE No. 26 (CENTRAL) OF 1952

BETWEEN

Worker P. M. Mammoo, stevedore workman, under P. B. Abdur Rahiman Kutty, Stevedore, Port Cochin—*Petitioner.*

AND

The management of P. B. Abdur Rahiman Kutty, Stevedores, Port Cochin—*Respondent.*

AWARD

By L.R. 2(345)I, dated 13th October 1952 of the Government of India, Ministry of Labour, New Delhi, the Industrial Dispute between certain employers of stevedore labour and their workmen at Port Cochin has been referred to this Tribunal for adjudication.

2. This petition is preferred by one P. M. Mammoo against P. B. Abdur Rahiman Kutty, Stevedores, Port Cochin. The petitioner's case is that he was a stevedore labourer employed by the respondent in the Cochin Port, that from 2nd February 1952 he was deprived of his job because the respondent has entrusted the work of recruiting labour to the Cochin Thuramukha Thozhilali Union, that this change in conditions of service was introduced without the express permission of this Tribunal while the dispute was pending adjudication, and that action should be taken against the employer for contravening the conditions of service during the pendency of adjudication proceedings.

3. The contention on behalf of the respondent is that the petitioner was not employed by him at any time, that prior to 2nd February 1952 the stevedore had no responsibility to entertain any particular individual, that with effect from 2nd February 1952 the respondent was acting in terms of the award in I.D. No. 18

(Central) of 1951, and the Cochin Thuramukha Thozhilali Union supplied the necessary number of workmen selected from among their enlisted members, and that under these circumstances the respondent has not introduced any change in the conditions of service and has not contravened any provisions of the Industrial Disputes Act of 1947.

4. The issues that arise for determination are:—

- (1) Whether the petitioner was employed under the respondent as alleged by him?
- (2) Whether there is a change in conditions of service?
- (3) Whether there is contravention of section 33 of the Industrial Disputes Act of 1947?
- (4) What action, if any, should be taken against the respondent?
- (5) To what relief, is the petitioner, entitled?
- (6) What order should be made regarding costs?

5. At the time the petition came up for hearing, both the parties were persuaded to agree to a settlement of the dispute between them. Thereupon, Mr. Chadayamurri, President of the Cochin Port Cargo Labour Union, Mattancherry made an endorsement in the petition in the following terms:—

“Not pressed in view of the agreement with the counterpetitioner to give employment to the petitioner in I.D. Nos. 1, 4 and 6.

(Sd.) G. A. GEORGE, President,
Cochin Port Cargo Labour Union.”

6. In accordance with the said endorsement, I pass the following order.

7. The petition is dismissed as not pressed. No order as to costs.

8. I pass an award in the above terms.

Dated at Tiruchirapalli Camp this the 22nd day of May 1953.

E. KRISHNAMURTHI,
Industrial Tribunal at Madurai.

[No. LR.2(345).]

New Delhi, the 17th June 1953

S.R.O. 1184.—WHEREAS the award of the Industrial Tribunal, Calcutta, in respect of the industrial disputes between banking companies and their workmen in the State of Uttar Pradesh including Shri Madan Gopal Kapoor, ex-sub-agent, Hindusthan Commercial Bank Ltd., Main Office, Kanpur, was published under the Notification of the Government of India in the Ministry of Labour No. S.R.O. 1401, dated the 28th August, 1951;

AND WHEREAS on appeal the case of Shri Madan Gopal Kapoor was remanded by the Labour Appellate Tribunal to the Industrial Tribunal, Calcutta, for rehearing;

AND WHEREAS the said Industrial Tribunal has accordingly reheard the case and has given a fresh award;

NOW, THEREFORE, in pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the said award of the Industrial Tribunal, Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta-19

PRESENT:

Shri K. S. Campbell-Puri, B.A., LL.B.—*Chairman.*

REFERENCE NO. 42/50 (REMAND)

(LABOUR APPELLATE TRIBUNAL OF INDIA DECISION, DATED 17TH NOVEMBER 1952 IN APPEAL
No. CAL-8 OF 1952)

PARTIES:

The Hindusthan Commercial Bank Ltd., Kanpur.

Versus

The U.P. Bank Employees Union,

(*Re. Shri Madan Gopal Kapoor, ex-Sub-Agent, Main Office, Kanpur.*)

APPEARANCES:

Shri Madan Gopal Kapoor in person.

Shri V. N. Sekhri, Provincial Joint Secretary, assisted by Shri Harmangal Prosad of U.P. Bank Employees Union for Shri Kapoor.

Shri K. N. Bhatnagar, Sub-Agent, Meston Road Branch, Kanpur, for the Bank.

AWARD

The dispute in this case initially was raised by the U.P. Bank Employees Union, Kanpur on behalf of Shri Madan Gopal Kapoor under General Bank Reference No. I.R.2(273), dated 21st February 1950. The same was duly heard along with other cases emanating from Uttar Pradesh State and award made whereby the claim of Shri Kapoor was rejected in-limine and it was held that his case was not triable for want of jurisdiction as he was an officer having worked as Sub-Agent at several branches and had also been designated and working as Sub-Agent at the time of the termination of his services. The award was published in the *Gazette of India* dated 15th September 1951 (Part II Section 3 page 1533). Shri Kapoor however felt aggrieved and filed an appeal against that award and their lordships of the Labour Appellate Tribunal in deciding Appeal No. Cal-8 of 1952 set aside the award and remitted the matter to the Central Government Industrial Tribunal at Calcutta to make fresh award after considering the issue as to whether Shri M. G. Kapoor was just before his discharge a workman or an officer upon such materials as are already on the record and on further evidence that may be adduced by both sides.

On the receipt of the record regular notices were issued to the parties for fresh proceedings and recording of evidence in compliance with the directions given in the remand order. The case was fixed at Lucknow along with some other cases emanating from U.P. State in the month of February 1953 and the hearing was scheduled for a couple of days like other cases in the cause list. It however so transpired that the Union chose to examine half a dozen witnesses and the Bank also applied for the summoning of Shri B. S. Mehta, Agent, from Bombay Branch of the Bank and in these circumstances it was not possible to conclude the whole evidence and this case was adjourned *sine die* to be fixed in the next tour. This time the case was taken up again at Lucknow and the parties were given ample opportunity to adduce evidence whatever they wanted.

The Union in support of the claim put Shri M. G. Kapoor in the witness box as his own witness and also examined Shri J. N. Chaturvedi, a clerk of Nayaganj Branch, Shri A. S. P. Rao, Accountant, Shri S. D. Misra, a clerk of the Current A/c Department of the Bank and Shri Harmangal Prosad, another clerk of the main office, Nayaganj, Kanpur Branch. The Bank in rebuttal examined Shri B. S. Mehta, who was the Agent of the Main Office, Nayaganj Branch, in the year 1949 when the services of Shri Kapoor were terminated. The parties also adduced some documentary evidence which was duly exhibited and placed on the record. Both sides addressed the Tribunal at some length and the Union representative furthermore filed written arguments which were placed on the record. It may be stated that this time the case was also heard on merits and both sides were called upon to adduce evidence for and against on the merits of the case besides the legal question whether the petitioner falls within the definition of workman as laid down under section 2(s) of the Act. There are thus two issues which require adjudication:

- (1) Whether Shri Kapoor was a workman at the time when he was discharged; and
- (2) If so, whether on merits his discharge was justified.

In view of the fact that Issue No. (1) forms a preliminary objection and goes to the root of the case on the point of jurisdiction, it would be proper to take up the legal issue first. The case of course shall be completely adjudicated upon both on facts and legal issue.

The position of the Union as gathered from the sworn testimony of Shri Kapoor himself and from the statements of other workmen's witnesses summarized briefly is that although he was designated as Sub-Agent yet in point of fact he was in-charge of Agency Department, and performed other duties of clerical nature and had no controlling or directional power. In this respect, the petitioner stated as follows:—

“At the time of discharge the duties of mine were (1) Checking of Agency Vouchers (2) Agency Statements (3) Drafting of Agency letters, (4) Checking of Current A/c ledger (5) Receiving of Local Daks (6) Opening and closing of cash and (7) Checking of Cash Book. I had no

discretionary powers. I had no power to dismiss or appoint anybody. I had no power to grant increment to any employee or confer any other benefit. I could not grant leave nor allot any duty to the employees and this task was being performed by Shri Mehta, whose office was in the same hall with a cabin. I had no power to grant advances or overdraft payment. Shri B. S. Mehta was exercising those powers. Shri Mehta was sending confidential reports of the staff. I was not even assisting Shri Mehta in the exercise of those powers. I was incharge of Agency Department like other departments viz., Bills, current, etc....."

While describing the duties of Shri M. G. Kapoor, Shri J. N. Chaturvedi (WW. 2) also stated that Shri Kapoor was working in the Agency Department and was not empowered to grant leave and that the payment vouchers were also finally passed by the Agent. Shri A. S. P. Rao (WW. 3) another witness deposed in the same strain Shri Shankar Dayal Misra (WW. 4) made a detailed statement regarding the passing of overdrafts, cheques and vouchers and while describing the duties of Shri Kapoor stated as under:

"I was working in the main office when Shri M. G. Kapoor was transferred to Main Office. His designation was of Sub-Agent. He was working as an incharge of the Agency Department. His duties mainly were as follows: He used to pass Agency vouchers, sign the Head Office statement, used to check current Department Ledger. He used to check Cash Book. He used to receive local Dak. He used to open and close cash, etc."

The last witness examined on behalf of the petitioner WW-5 Harmangal Prosad did not exactly give the duties of Shri Kapoor, and stated generally that the witness was incharge of Advance and Security Department in the year 1949 and all the advances were being sanctioned by Shri Mehta. Discounting of bills was also being done by Shri Mehta and he never got instructions from Shri Kapoor while incharge of Security Department.

I have purposely detailed above the position taken up by the Union on behalf of the petitioner Shri Kapoor with regard to the duties that he was performing at the time of discharge although designated as Sub-Agent in order to examine the other version advanced by the employer side by side in regard to the status of Shri Kapoor. This was stated by Shri B. S. Mehta, the then Agent, Main Office, Kanpur Branch, and the same is reproduced as below for facility of reference.

"Mr. M. G. Kapoor was transferred from Generalganj Branch to Main Office in October 1948. When Mr. Kapoor came I was Incharge of the Branch and was Incharge of Cash Department including Opening and Closing of cash, receiving and despatching of insured cover, advances; and countersigning of certain payments over certain amounts and countersigning of all Profits and Loss Payment vouchers, handling staff matters, sanctioning or recommending leave of the employees as per rules. The handling of cash and receiving and despatching of insured covers is a very responsible work. By handling of cash I mean holding the keys of the cash. At that time when Mr. Kapoor was transferred to Main Office there were 7 or 8 other supervisory staff members at the main branch besides myself and Mr. Kapoor."

While describing the duties of Shri Kapoor, the witness proceeded

"The head office transferred Mr. Kapoor to main office to relieve me of some of the duties for the efficient management of the branch. I have him the duties relating to Cash Department, receiving and despatching insured covers, Agency Department work, and other general routine work including some cash payments etc. I don't recollect all what was entrusted to Mr. Kapoor to relieve me from the work. He used to check the Cash Book also. Before coming as Agent of the Main Office I was working as an internal auditor of the branches of the Bank. With regard to sanctioning of overdrafts there was no discretionary powers vested in the Agent but as a matter of routine some temporary overdrafts were allowed to certain known parties sometimes. This is not correct that every member of the supervisory staff can allow such temporary overdrafts. Mr. Kapoor was a equally responsible officer and was in the same grade of pay as I was and he also used to allow such temporary overdrafts sometimes during my absence. I never thought of it to confirm what he had done and as a matter of routine my confirmation was not necessary. There was no occasion when Mr. Kapoor approached me for such confirmation. It is at least not in my knowledge.So on and so forth."

The aforesaid are thus the two versions envisaged by the respective parties in regard to the duties and status of Shri Kapoor upon which the whole question in one sense revolves. There are other features also which formed the subject of evidence and the same shall have to be considered along with the nature of duties performed by Shri Kapoor at the time of the termination of his services. Some of them are these—

- (1) Shri M. G. Kapoor before joining the service of the Hindusthan Commercial Bank was holding the post of Sub-Agent in the Central Bank of India and on entering into the service of this Bank was also taken as Sub-Agent and subsequently worked as such at more than one branches of the Hindusthan Commercial Bank.
- (2) When he was transferred to Main Office, Nayaganj Branch, Kanpur he held the same designation i.e. of Sub-Agent.
- (3) He was drawing according to his own statement Rs. 425 basic salary, Rs. 42/8/- Dearness Allowance and Rs. 75 House Rent. Total Rs. 542/8/- per mensem.
- (4) The size of Main Office Branch was admittedly much bigger than the other branches of the Bank at Kanpur, inasmuch as the strength of the staff working at Main Office was about 50 according to the statement of WW-4 Shankar Dayal Misra and 60 to 70 according to the statement of EW-1 B. S. Mehta. The average number of the employees at other branches was 15 to 20.

Shri Sekhri arguing on behalf of Shri Kapoor contended that the duties which Shri Kapoor was called upon to perform in the Main Office when he was transferred from Generalganj branch could not and did not amount to directional or controlling power which are necessary elements to constitute an officer. It was argued that the duties entrusted to Shri Kapoor even according to the statement of Shri Mehta did not make him an officer inasmuch as the major part of work allotted to Shri Kapoor were previously done by the departmental incharges or the Accountant who are workmen and so far the duty of opening and closing of cash and dealing with remittances of insured covers was concerned it was to be seen whether the duty of cash and remittances was really of an important nature which could not be performed by any of the workmen in the Bank except the Agent who is admittedly an Officer. It was stressed that the opening and closing of cash would hardly require an hour and a quarter and according to the circular of the head office the duty of cash also was to be entrusted to the Accountant and was not necessarily to be handled by the Agent or the Sub-Agent. It was next urged that the Head Cashier is the man who is actually incharge of the cash and the entire cash was handled by him and his assistants and in point of fact he is the man who is answerable for any shortage of cash. It was concluded that looking at the nature of this duty it was clear that the same could have been performed by any supervising incumbent of the Bank and it did not entail any controlling or directional power. It was further argued that the work of remittances received or sent is just like cash receipt and cash payment made through post under registered and insured covers and is always checked by the Cashier and cash incharge jointly. It was emphasised that this duty also does not confer any special power and furthermore when Shri Kapoor was discharged this duty of cash and remittance was made over to the Accountant who is admittedly a workman. Finally, it was submitted that Shri Kapoor had no power to appoint, dismiss or punish any member of the staff and he had no power to grant leave or increments and as such in view of the duties that he was performing at the time of his discharge he was not an officer and one factor that he was designated as Sub-Agent was of no consequence. Shri Sekhri in the course of arguments also carried me through various entries and vouchers, overdraft payments, profit and loss account vouchers and contended that the position with regard to this duty was that any two persons could pass the payment irrespective of their higher or lower status provided they were on the supervisory staff viz. Accountant, Assistant Accountant, Departmental Incharge, Sub-Agent and Agent. It was maintained that the countersignature of cheques on many occasions was done by the Assistant Accountant although originally the payment was passed by the Agent or Sub-Agent which proves that any departmental incharge could countersign certain transfer or cash cheques or pass the payments of temporary overdrafts. Similarly in regard to Profit and Loss payment vouchers Shri Sekhri asserted that the same were passed and countersigned by any two members of the supervising staff. The union representative maintained that the Assistant Accountant and Accountant were admittedly workmen and if the duties in this connection entrusted to Shri Kapoor could equally be done by the Accountant and Assistant Accountants Shri Kapoor could not be given the position of an officer sheer by his designation. Shri Sekhri at the same time maintained that Shri Kapoor never assisted or helped Shri Mehta

in the discharge of his duties (*vide* written arguments page 3). The stand taken up exactly was that Shri Kapoor was in no way doing any higher type of work than one performed by the Accountant, Assistant Accountant and departmental incharge, and he was not an assistant to the agent either. It was emphasised that when his services terminated he actually gave charge of all these duties to the Accountant Shri Rastogi indicating thereby that the duties performed by Shri Kapoor were virtually those of the Accountant.

In support of the contentions adumbrated above reliance was placed on the full bench decision of the Labour Appellate Tribunal in the case of (1) United Commercial Bank Ltd. Vs. Shri Kedar Nath Gupta (1952 Labour Law Journal Vol. I pp. 782—788), (2) a decision of the Labour Appellate Tribunal in the Bharat Bank Ltd. Vs. Certain Ex-Employees (1952) Labour Law Journal Vol. II pp. 420—423), (3) the decision of the Labour Appellate Tribunal in the matter of Punjab National Bank Vs. Jaswant Singh Alim and S. P. Nanda (1953 Labour Law Journal Vol. I pp. 268—370), (4) in the case between Bharat Bank Ltd. Vs. R. L. Sanyal and others (1952 Labour Law Journal Vol. II pp. 479-480), and (5) Findings of U.F. Conciliation Board Award pp. 9, 10 and 11. It would be more convenient I think to deal with these authorities while coming to the discussion after summarizing the argument of Employer side.

Shri Bhatnagar, the Bank representative, was brief in his arguments and to my mind the position taken up by him was simple and more direct. He mainly relied upon the sworn testimony of Shri B. S. Mehta, the then Agent at Kanpur when Shri Kapoor was working in the Main Office and urged that the transfer of Shri Kapoor from Generalganj to Main Office branch which was admittedly a bigger branch was to relieve Shri Mehta from the heavy work which he had to shoulder in his capacity as Agent. The argument precisely was that Shri Mehta as stated by him wanted to get himself relieved of certain duties more especially of the opening and closing of cash and remittances of insurance covers which were made over to Shri Kapoor along with other duties relating to Agency Department payment of temporary overdrafts, countersigning and checking of cheques, vouchers, etc. on his joining at the Main Office. It was next argued that Shri Kapoor was in the same grade *viz.*, Rs. 400—25—500 and was also drawing house rent which Accountant and Assistant Accountants have never claimed or enjoyed. It was stressed that he was also drawing dearness allowance at the rate of 10 per cent. as Mr. Mehta was drawing unlike 30 per cent. which was being paid to Accountant and Assistant Accountants and his position in consideration of these factors was of an officer which distinguished him from Accountant and Assistant Accountant. It was vehemently urged that Shri Kapoor never complained of having been demoted from the position of an officer which he held even before joining this office in the Central Bank of India and in this Bank where he remained incharge of several branches in his capacity as Sub-Agent. Coming to the actual duties entrusted to Shri Kapoor and replying to the arguments of the other side Shri Bhatnagar stated that so far the payment of overdrafts was concerned in cases where there was no security either in the shape of bills or cheques any two persons could deal with it but the cheques could only be returned by the Sub-Agent or Agent. It was further argued that while allowing overdrafts one has to deal with two types of overdrafts *viz.*, clean and secured and in the case of latter any two persons could deal with it as said by Shri Misra but in the case of clean overdrafts the responsibility was more and only the Agent or Sub-Agent should deal with it. Shri Bhatnagar however did not stick to this position and frankly conceded that in actual practice the payment of overdrafts and countersigning of cheques and vouchers was made by any two persons of the supervising staff but in theory as laid down in rules the position was different and only the Sub-Agent and the Agent could allow temporary overdrafts and countersign Profit and Loss Accounts. In regard to Profit and Loss Accounts Shri Bhatnagar gave an illustration that when local purchases are made they are debited to Profit and Loss Account and to be sure that the money was spent rightly; it was always the duty of the Agent or Sub-Agent incharge to countersign the same. In this case he also admitted that in practice it was not adhered to. Shri Bhatnagar however did not yield on the question of opening and closing of cash and strenuously contended that this was a work of very responsible nature and it was being done by the Agent himself before Shri Kapoor came to the Main Office and although it was a work of an hour and a half yet the holding of key was a matter of responsibility and must be held by the Agent or the Sub-Agent. It was urged that this work was entrusted to Shri Kapoor along with the remittances of insured covered by Shri Mehta in order to relieve himself. Shri Bhatnagar concluded that these two duties were entrusted to Shri Kapoor with a view to relieve Shri Mehta and as such there were two officers in the Main Office which was a big office and as such Shri Kapoor could not divest himself of his status of an officer by having taken up some other work of Agency and checkin of ledgers, cash, countersigning of vouchers, etc. The Bank representative mainl

relied upon the U.P. Conciliation Board award which was referred to by the other side. He placed his reliance on the findings given at pages 11 and 12 of the same book. Reference was also made to Justice Shastri's award relating to Banking Companies recently published wherein at page 95 some observations have been made under the heading "Workmen to whom the award is applicable".

Now on the appreciation of the arguments advanced for and against I think it would be more convenient and advisable to take note of the legal precedents **relied upon first in consideration** of the basic principles laid down in this connection. The point in question was admirably summed up in the Report of the U.P. Conciliation Board by Mr. Justice Bind Basani Prosad which has been referred to and relied upon the decisions of the Labour Appellate Tribunal, as well. The discussion commences from page 8 and ends at page 13 of the report. The Union side relied upon the observations made at pages 9 and 10 under clauses (j), (k), (l) and (m) while the Bank referred to the findings given at pages 11 and 12 under clauses (p), (q), (r), (s) and (t). In view of the fact that the Labour Appellate Tribunal in the remand order has referred to the relative portion of the report I do not think it would be necessary to reproduce all these pages. The contention of the Union side while relying upon the finding given at page 9 is that as a general principle it is the nature of the work done by an employee and the degree of his responsibility which determines whether he is a clerk or an officer. His designation does not matter and the salary of an employee also is no determining factor, because the definition of 'workman' in the Industrial Disputes Act, 1947, contains no limitation based on salary, as is the case in the definition of this work in the Workmen's Compensation Act, 1923. On the other hand the Bank takes cue from the observations made in clause (t), and maintains that Sub-Agent is an officer by virtue of his status in the Bank and does not come within the definition of workman. Of the authorities cited, one is a decision of the full bench of the Labour Appellate Tribunal wherein the main discussion centred round the words 'any person' used in the definition and it was held that the word 'any person' is co-extensive with the word 'workman' and cannot have widest amplitude as that would create incongruity or repugnance in the provisions of the Act. It therefore still rests on the particular merits of each case as to who is a workman. In the case of *Bharat Bank Vs. certain employees*, the Lucknow bench of the Labour Appellate Tribunal gave a definite finding that Sub-Agent, Sub-Managers are officers while Accountant, Assistant Manager, Cashier, Head Cashier are workmen. In the other decision relied upon by the Union side in the matter of *Punjab National Bank Vs. Jaswant Singh Alim*, the Employee was working as Assistant Manager and on the evidence adduced in the case it was made clear that there was no division of work between him and the Manager and he had only to put up notes for the approval of the Manager. Other cases deal with Sub-Agents who were incharge of certain branches. There is yet another case to which reference was not made by the parties *viz.*, one of *Sundar Lal Saksena of Hindusthan Commercial Bank* (*Gazette of India, Part II, Section 3, dated 15th September 1951, pp. 1539—1543*). He was incharge of a Branch at Kanpur as Sub-Agent, and his case was contested by the Union that he was a workman on the plea that there were so many branches at Kanpur and one incharge of a branch at Kanpur was not an officer because he used to work under the instructions of the head office which was also located at Kanpur. *Shri Seksena* was held an officer on the argument that no branch could go without an officer and the one fact that there are so many branches in one big town does not divest him from the position of an independent incharge of the branch. *Shri Sekhri* also referred me to the case of one *Shri T. P. Malviya* but that too has no bearing as discussed in Delhi award wherein this point has been discussed fully as a general proposition. It appears accordingly that the case of *Shri Kapoor* is a case by itself and the parties could not refer me to any parallel authority. The distinguishing feature is that *Shri Kapoor* was not, at the time of his discharge, incharge of any branch, and was working in the main office branch which remained in charge of an Agent *Shri Mehta*. The crucial point for determination is that while retaining the designation of Sub-Agent which status he had been holding since long and enjoying the emoluments attached with the office of Sub-Agent, including dearness allowance as well as house rent (a special allowance which was being paid to the officers), whether he could be considered as a workman sheer on the score of certain clerical duties entrusted to him in the Main Office. This position has created some confusion but on going through the evidence and the stand taken up by the Union I find no difficulty in coming to the conclusion that *Shri Kapoor* was not demoted in any way and could not have been relegated to the position of an Accountant or incharge of Agency Department by virtue of his duties that he was performing. I would have considered his case as an Assistant had it been urged on his behalf that he was an Assistant to the Agent and had no independent charge but the Union and the petitioner categorically denied that he was assisting the Agent and gave him the position

of in charge of Agency Department or Accountant only. This passes my comprehension. He was admittedly in the grade of Rs. 400—25—500 which the Agent was drawing and was getting dearness allowance at the rate of 10 per cent unlike the other staff, and notwithstanding of the fact that salary by itself is not the determining factor it does furnish a link in the chain of various factors to be considered in the determination of an issue. Regarding the nature of duties too he was admittedly incharge of opening and closing of cash and remittances of insured covers which work was being done by the Agent before Shri Kapoor came to Main Office. It is evidenced from the statement of Shri Mehta that the duties of the Agent in the Main Office were manifold and he asked for relief and got Shri Kapoor to whom some of the duties were allotted as another officer in the same branch. There is no cogent reason to doubt the sworn testimony of Shri Mehta who cannot be dubbed in any way inimical to Shri Kapoor and the position exactly boils down to this that a certain work was divided between the two and both worked as officers and Shri Kapoor was neither assisting Mr. Mehta as an Assistant nor working as a clerk or accountant but was doing something on the basis of adjustment and division of work between the two officers in the Main Office. This is correct that he was doing some clerical work but that did not take him off from the category of an officer as definitely stated in the illustrations given in the Report of the U.P. Conciliation Board at page 9. It is stated:

"If an employee performs work of clerical nature with no responsibilities of an officer but the employers give him the designation of an officer, he is not deprived of the protection afforded to him by the United Provinces Industrial Disputes Act, 1947. Similarly, if an employee has the responsibilities of an officer, but part of his work is that of a clerical nature, he is not a clerk, but an officer."

The term 'clerk' is used in contra distinction to that of an officer and it is further stated in (k) that 'there may be an officer who may not possess all these attributes. Nevertheless, he may be an officer. Similarly there may be a clerk who may possess any of these attributes in a restricted degree.' To my mind the question has been clinched with the finding given under clause (t) page 12 by the following words which have also been stated in the remand order itself. These words are:

"Similarly Sub Agents in higher grades of bank offices are officers. They are there to help the Agent."

The dictum laid down is very significant and Shri Kapoor's case is pre-eminently covered under this. He had been Sub Agent even before he came to this Bank. He had been incharge of several branches and was in a grade of an officer and as deposed by Shri Mehta, the head office sent Shri Kapoor to the Main Office to help the Agent and the work was divided between the two. The Union representative had no reply to the plea raised by other side that Shri Kapoor was not demoted on his transfer to Main office. Obviously he was not demoted and he never thought of having been demoted to the post of Agency in charge. In these circumstances it would be rather deluding oneself to accept a lower position because it suits one at a certain stage. The Tribunal is not prepared to stultify itself in allowing the same and the legal course must have its way. The remedy may be open somewhere also but not under the Industrial Disputes Act; because Shri Kapoor in the light of the duties entrusted to him had responsibility of an officer and in the circumstances under which he was transferred to Main Office, Nayaganj Branch, Kanpur, to help the Agent, he was undoubtedly an officer and did not satisfy the definition of workmen. I hold accordingly.

On merits, the facts are short and more simple. Shri Kapoor joined the Bank's service in 1943. He was brought by the Managing Director Shri Kishen Chand Puri from Central Bank of India and was given higher salary viz. Rs. 350 plus dearness allowance, house rent, conveyance allowance, etc. He worked for several years as Sub Agent and remained incharge of more than one branches. There was no occasion when he was called upon to explain or ever charge-sheeted for any delinquency or neglect in the performance of his duties. It so happened that he was discharged in November 1949 on the plea that his services were no longer required. No reason was assigned and when the case came up before the Tribunal the Bank in the written reply stated that he was not charge-sheeted because there was no such offence against him amounting to misconduct but he was relieved on account of the fact that he was not putting efficient work due to ill health. This plea was not supported by any evidence. Shri Kapoor in his examination has stated that good deal of leave was still due to him and three months prior to the date of his discharge he had obtained 15 days leave as he was suffering from Diarrhoea but he joined after 10 days. He is an old man no doubt but I find him hale and hearty, and the plea of ill health appears to be an after-thought and the same was not at all substantiated by any evidence. The discharge from service therefore

was wholly unjustifiable and the petitioner was shunted off arbitrarily when he could have expected some relief at the time of retirement. He is 57 years old now but at the time of discharge he was less than 55. He is thus entitled to substantial compensation on account of wrongful discharge from service. But, however unfortunate it may be I cannot enter into that as the claim fails on the legal objection *viz.* that he does not satisfy the definition of 'workman' and the Tribunal has no jurisdiction to entertain his case under the Act.

NOW, THEREFORE, THIS TRIBUNAL MAKES ITS AWARD IN TERMS
AFORESAID THIS THE 16TH DAY OF MAY 1953.

CAMP: LUCKNOW;

The 16th May 1953.

K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal,
Calcutta.

[No. LR.90(137).]

P. S. EASWARAN, *Under Secy.*

New Delhi, the 10th June 1953

S.R.O. 1185.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri Shyamabandhu Misra, B.A., LL.B., D.L.W. (Bomb.), Assistant Labour Commissioner and Inspector of Factories, Orissa to be an Inspector for the whole of the State of Orissa for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controller industry or in an industry connected with a mine or an oilfield.

[No. P.F.516(13).]

New Delhi, the 13th June 1953

S.R.O. 1186.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employee's Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri V. Prasad, to be an Inspector for the whole of the State of Delhi for the purposes of the said Act and of any Scheme made thereunder, *vice* Shri C. B. Prasad.

[No. P.F.516(128).]

S.R.O. 1187.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri J. C. Batra, to be an Inspector for the whole of the State of Punjab for the purposes of the said Act and of any Scheme made thereunder in relation to a factory engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. P.F.516(128).]

N. M. PATNAIK, *Dy. Secy.*

New Delhi, the 15th June 1953

S.R.O. 1188.—In exercise of the powers conferred by sections 6 and 15 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government hereby directs that the following amendments shall be made in the Mines Maternity Benefit Rules, 1943, the same having been previously published as required by sub-section (1) of section 15 of the said Act, namely:—

In the said Rules—

1. For the words "Chief Inspector", wherever they occur, the words "competent authority" shall be substituted.

2. In rule 2, the following clause shall be added at the end, namely:

"(f) "competent authority" means, in respect of a coal mine, the Coal Mines Labour Welfare Commissioner, and in respect of any other mine, the Chief Inspector of Mines".

3. In sub-rule (1) of rule 13, for the words "British India", the words "the territories to which they extend" shall be substituted.

[No. M-41(35)52.]

P. N. SHARMA, Under Secy.

New Delhi, the 16th June 1953

S.R.O. 1189.—In exercise of the powers conferred by section 73-A of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 279, dated the 6th February, 1952, namely:—

Paragraph 2 of the said Notification shall be re-numbered as sub-paragraph (1) of that paragraph; and after sub-paragraph (1) as so renumbered, the following sub-paragraph shall be inserted, namely:—

"(2) When the rate of employer's special contribution payable in respect of a factory or establishment varies, the altered rate shall apply to the wage bill in respect of any quarter or to any portion of that wage bill if such wage bill or such portion thereof relates to wage periods ending on or after the date on and from which the rate varies:

Provided that in the case of a wage period commencing before and ending on or after such date, the amount to be included in the wage bill to which the altered rate shall apply, shall be an amount which bears to the wages for such wage period the same proportion as the number of days included in the wage period from such date to the last date of such wage period (both days inclusive) bears to the total number of days in such wage period."

[No. SS.131(5).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 20th June 1953

S.R.O. 1190.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Calcutta, in the industrial disputes between the Punjab National Bank Ltd., and its workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta-19.

PRESENT:

Shri K. S. Campbell-Puri, B.A., LL.B.,—*Chairman*

REFERENCE No. 17 OF 1952

BETWEEN

The Punjab National Bank Ltd.

AND

Their Workmen

(Termination of services of Shri A. N. Misra and six others from Sitapur and Moradabad branches of the Bank)

APPEARANCES:

Shri K. P. Sexena, Secretary, Agra Unit of the U.P. Bank Employees Union, for the workmen.

Shri Aswini Kumar Mahajan, Accountant, Hazratganj Branch, Lucknow, for the Bank.

AWARD

By Notification No. LR-100(47), dated 14th November 1952 the Central Government in the Ministry of Labour referred an industrial dispute existing between the Punjab National Bank Ltd., and their workmen in respect of the matters specified in the schedule annexed therewith. The Schedule reads as follows:

SCHEDULE

Whether the termination of the services of Messrs A. N. Misra, Raja Ram Agarwal, Satya Narain, Khem Singh, Anand Prakash, Ram Bilash and Ram Bajpal from the

Sitapur and Moradabad Branches of the Punjab National Bank Limited on or about the 22nd June 1951, was justified and, if not:—

- (i) whether they should be reinstated and, if so, whether they should be paid any wages or allowances from the date of termination of their services to the date of reinstatement, or
- (ii) whether they should be given any compensation in lieu of reinstatement.

Usual notices were issued to the parties and on the completion of pleadings the hearing of the case was fixed in due course along with another case of U.P. relating to Hindusthan Commercial Bank, at Lucknow. The parties however came to amicable settlement meanwhile and a letter dated 9th/11th April 1953 (No. LABOUR/13872) emanating from the head office of the Punjab National Bank Ltd., Delhi, was received to the effect that an agreement had been arrived at between the Bank and the U.P. Bank Employees Union under which the Bank had agreed to reinstate Shri A. N. Misra as Head Cashier and Sarvashri Raja Ram Agarwal, Satya Narain, Ram Bilas and Sriram Bajpai as Assistant Cashiers on executing usual formalities with the contractor. That they were also to be paid compensation of the amount shown in the agreement against their names and that a sum of Rs. 400 as gratuity shall be paid to the heirs of Shri Khem Singh (deceased) Ex-Assistant Cashier, Moradabad. It was further stated that the Union had withdrawn the claim of Shri Anand Prakash, Ex-Cashier, Sitapur on payment of a compensation of six months' salary and dearness allowance to him. The copy of the agreement was not enclosed with the letter and it was stated that the required copies of the agreement duly signed were being sent separately. No such copy of the settlement however was received in the office from the Bank side. The U.P. Bank Employees Union subsequently in their letter No. 931/53, dated 15th April 1953 informed the Tribunal to the same effect and a copy of the agreement was also enclosed.

It was noted that both sides had asked for passing an award in terms of the agreement and at the same time stated that the Union had undertaken to withdraw all the above cases. It was therefore deemed necessary to send for the representatives of both sides for the ratification of the agreement in the light of Labour Appellate Tribunal's decision in the matter of "Jaya Cafe, Coimbatore Vs. Their Workers" (Published in 1952 Vol. II Labour Law Journal page 466) as well as to ascertain about the adjustment in accord with the principles of law as enunciated under Or. 23 r. 3 of Civil Procedure Code. Shri K. P. Saxena, Secretary, Agra Unit of the U.P. Bank Employees Union represented the employees concerned and Shri Mahajan appeared for the Bank. Their statements have been duly recorded today and copies are enclosed as Appendix (A) with the award.

In view of the statements made by both sides I am satisfied that the dispute existing between the parties and referred to this Tribunal for adjudication under the aforesaid Reference has been duly adjusted by amicable settlement in terms of the agreement (Ex. 1) which is reproduced *ad-verbatim* as below:—

Ex. 1.

The Chairman,
Central Govt. Industrial Tribunal,
20/1, Gurusaday Road,
Calcutta-19.

Sir.

REFERENCE No. 17 OF 1952.

Re:—Termination of services of Shri A. N. Misra and six others from Sitapur and Moradabad Branches of the Punjab National Bank Ltd.

The parties have come to a settlement on 31st March 1953 in the following cases which are expected to come up for hearing before the Hon'ble Tribunal in May 1953. It is prayed that the settlement may be recorded as under:—

"The Bank agrees to reinstate Sarvashri A. N. Misra as Head Cashier, Raja Ram Agarwal, Satya Narain, Ram Bilas and Sriram Bajpai as Assistant Cashiers to be utilised at Moradabad and Sitapur as nominees of the Contractor Cashier on executing usual formalities with the Contractor. However, following compensation as noted against their names shall be payable to them by the Bank. The intervening period will be considered as period without pay.

1. Shri A. N. Misra—Twelve months' salary and D.A.
2. Shri Satya Narain—Twelve months' salary and D.A.
3. Shri Raja Ram Agarwal—Twelve months' salary and D.A.
4. Shri Ram Bilas—Six months' salary and D.A.
5. Shri Sriram Bajpai—Six months' salary and D.A.

It is further agreed that a sum of Rs. 400 (Rupees four hundred only) shall be paid as gratuity to the heirs of Shri Khem Singh (deceased), Ex-Cashier, Moradabad Branch. The Union withdraws the claim of Shri Anand Prakash, Ex-Cashier, Sitapur Branch on payment of a compensation of six months' salary and D.A. to him.

The Union undertakes to withdraw all the above cases from the Central Government Industrial Tribunal, Calcutta.

Yours faithfully,

For and on behalf of U.P. Bank Employees' Union.

(Sd.) Illegible,

General Secretary.

For and on behalf of Punjab National Bank Limited,

(Sd.) Illegible,

Assistant Secretary (Staff).

Now, therefore this Tribunal makes its award in terms of the agreement (Ex. 1).
This the 18th day of May 1953.

Encl: Appendix A.

CAMP: LUCKNOW;

18th May 1953.

K. S. CAMPBELL-PURI, *Chairman,*

Central Government Industrial Tribunal, Calcutta

APPENDIX A

Statement of Shri K. P. Saxena, Secretary, Agra Unit of the U.P. Bank Employees Union

The Union has arrived to an amicable settlement with the Bank in this Reference relating to one Shri A. N. Misra, (2) Shri Satya Narain, (3) Shri Raja Ram Agarwala, (4) Ram Bilash, (5) Shri Sri Ram Bajpai, (6) Shri Khem Singh (deceased), (7) Shri Anand Prakash as per agreement dated 31st March 1953. The terms of the agreement, a copy of which was already sent by the Union Ex. 1 have by this time been implemented in accordance with the conditions mentioned in the agreement. I pray that an award be made in terms of the agreement Ex. 1 although as said above the terms have been carried out by the Bank by this time. The Union of course withdraw the claim of Shri Anand Prakash at the very outset on payment of six months salary and dearness allowance as compensation to him. Shri Amir Chand Kakkar, General Secretary of the Union signed the agreement on behalf of the Union and Shri Amar Singh Puri, Assistant Secretary (Staff) signed the agreement on behalf of the Bank. Both are known to me and I identify their signatures on the agreement (Ex. 1). No dispute is now pending.

R. O. & A. C.

(Sd.) K. S. C.

(Sd.) K. P. SAXENA,

18-5-1953.

(Sd.) K. S. CAMPBELL PURI.

Statement of Shri Aswini Kumar Mahajan, Bank representative

The Bank has arrived at an amicable settlement with the Union in this reference related to seven persons mentioned in the Schedule attached with the Reference; in terms of the agreement dated 31st March 1953 (Ex. 1). The agreement was signed by the Assistant Secretary (Staff) Amar Singh Puri and I identify his signature on the agreement, which was also signed by the General Secretary of the U.P. Bank Employees Union, Shri A. C. Kakkar. I am not aware whether the terms have been carried out by this time, but I understand from Shri Saxena, Union representative, that the agreement has already been implemented. I however pray that award be made in terms of the agreement.

R.O. & A.C.

(Sd.) K.S.C.

(Sd.) A. K. MAHAJAN,

18-5-1953.

Accountant, Punjab National Bank,

Hasratgunj, Lucknow.

(Sd.) K. S. CAMPBELL-PURI

[No. L.R.100(47).]

ORDER

New Delhi, the 10th June 1953

S.R.O. 1191.—In exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following amendment shall be made in the Order of the Government of India in the Ministry of Labour No. S.R.O. 915, dated the 6th May, 1953, namely:—

To the Schedule to the said Order, after entry 7, the following entry shall be added:—

- “8. Whether or not the employees at the Mines are entitled to any wages for the period of lay-out as a result of the strike at the Moubhandar factory and to what extent”.

[No. LR.2(379).]

S. V. JOSHI, Dy. Secy.

